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*Peggy Boyer Long*



## Our awareness of the immense journey should give us confidence

by Peggy Boyer Long

Where is Loren Eiseley, now that \_\_\_\_\_ envisioned himself as one who was \_\_\_\_\_

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*Peggy Boyer Long*



## Our awareness of the immense journey should give us confidence

by Peggy Boyer Long

Where is Loren Eiseley, now that we need him? I met him, in a manner of speaking, years ago, and then only by chance (how he would worry that word). He was sitting at his desk contemplating a fish fossil.

It could, he noted, just as well have been the long-horned Alaskan bison on his wall. Both are extinct and gone, he mused, as "our massive-faced and shambling forebears of the Ice have vanished."

This, as with so many things, would give him pause. It was then that he would tell the stories.

He was drawn to the study of time and space and our place within it. And here was a mystery, written in a "heavy and peculiar stone."

The outline of what was, the shadow of the fish, was still there. And the chemicals that once gave it life. Most of them anyway. But the fish was no more. It is the same with him, he concluded. "There is no life in the iron, there is no life in the phosphorus, the nitrogen does not contain me, the water that soaks my tissues is not I. What am I then?" What, indeed?

"Just once out of all time," he continued in *The Night Country*, his

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*"For the first time in four billion years a living creature had contemplated himself and heard with a sudden, unaccountable loneliness, the whisper of the wind in the night reeds. Perhaps he knew, there in the grass by the chill waters, that he had before him an immense journey."*

Loren Eiseley  
*The Immense Journey*  
Random House, 1946

moodiest collection of essays, "there was a pattern that we call *Bison regius*, a fish called *Diplomystus humilis*, and, at this present moment, a primate who knows, or thinks he knows, the entire score."

I leaned nearer. What? What does it mean? But I was too late. He, too, was gone. I had entered a dark room and found a shadow writing words in the long-ago.

Eiseley would understand that. He

envisioned himself as one who was meant to be born into the Age of Ice, at the dawn of human consciousness. He was acquainted with those who were driven to depict the last of the old world's shaggy beasts on rock walls, those who were compelled to describe the dark beyond the firelight of the cave. He was, is, among the shamans, one of the storytellers.

But where is he, now that we need him? He's not widely read in our time. And he was, as he himself chose to put it, an outcast in his own time. He was a scientist, an anthropologist and the author of 13 books, including *Darwin's Century*, which won acclaim from his peers. Yet he was drawn far beyond what is measurable. He was drawn to the metaphor, to the spirit behind the visible.

He was a bone hunter, a historian of science, an inspiring teacher. For these accomplishments he would win applause from the academy. For the poetry and for the essays in the *American Scholar*, *Harper's Magazine* and the *Scientific American*, he would not.

Yet we have always needed a shaman, a storyteller who can answer our fears. And so, to prepare for this special issue on bioethics, I went looking for Loren



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94), **David J. Paulus** (1988-94), **Carl Shier** (1978-87).

Eiseley again in our campus library.

We had aimed to look into the future of biotechnology. But, as is often the case, we were left with more questions than answers.

The most urgent of these was posed by our lead essayist, Lori Andrews. "Should the government allow or prohibit technologies that would significantly alter the human race?" she asked.

Yet this may be a question many scientists and most politicians are not equipped to answer.

Even the President's Council on Bioethics, charged with weighing these moral dilemmas, has called on the storytellers. While writing her piece on stem cell research, our Statehouse reporter Paige Wassel discovered the council has culled the great literature for some answers. *Being Human: Readings from the President's Council on Bioethics* gathers excerpts from poetry, fiction and philosophy. But I would also invite the literary scientists to this imaginary colloquium.

Among them, Lewis Thomas, who was, before he died, a physician and medical researcher. He, too, was a scribbler of essays for the popular press, if we can consider *The New Yorker* and the *Atlantic Monthly* to be such. *The Lives of a Cell* and *The Medusa and the Snail* are collections of these essays.

Thomas' subject matter was topical and contemporary. He suggested, for instance, that, while the prospect of human cloning may be dismaying, we can never really succeed in making a perfect copy of a human being. That's because we would first have to replicate the social and physical environment that shaped the individual. We would begin by trying to clone a person and end by cloning the entire world.

Stephen Jay Gould, whose natural history essays were published in *Vanity*

*Fair* and *The New York Times* should be there. Though gone, he is the best-known of the popularizers of science. He was an evolutionist, and so makes a readable case for the relationship of living form to function over time. *The Flamingo's Smile* and *The Panda's Thumb* are two of his collections.

But Eiseley, the poet and philosopher of science, would have to be the guest of honor. He could issue dark warnings about the uses of science. And he could quarrel with those who have forgotten, or never heeded, the mystery. The human animal, he would remind us, is the first to have a consciousness of itself within time and space. But while the memory of our past grows longer, we cannot see the future.

Then he might tell the story of the time he came upon a skull embedded in sandstone. "It was," he wrote in *The Immense Journey*, "the face of a creature who had spent his days following his nose, who was led by instinct rather than memory, and whose power of choice was very small." The skull, he wrote, seemed to stare, sightless, up at him, as though Eiseley himself were already caught in the strata above.

"The creature had never lived to see a man, and I, what was it I was never going to see?"

And yet, Eiseley could remind us, our awareness of the immense journey should give us confidence. Nature is still experimenting, "still dynamic, and not through nor satisfied because a Devonian fish managed to end as a two-legged character with a straw hat. There are other things brewing and growing in the oceanic vat. It pays to know this. It pays to know there is just as much future as there is past. The only thing that doesn't pay is to be sure of man's own part in it." □

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## Goodbye, good luck

Christina Ryan, who served as the magazine's can-do business manager for six years, has moved to another position here at the University of Illinois at Springfield. Her motto while she was on our staff was "I can do anything." So we're certain her new colleagues will be glad she's joining them. Chris is the new assistant to the vice chancellor for student affairs. We'll miss her.

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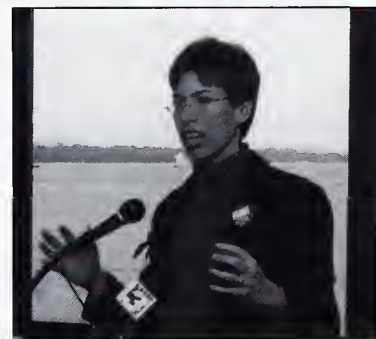
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Patrick J. Guinane



## State of the State speech shows the softer side of Gov. Rod Blagojevich

by Pat Guinane

**W**ho could argue with Illinois Wine Month? Making September state-sanctioned sipping time is a frugal feat meant to help nurture Illinois' fledgling wine industry.

But that thrifty initiative isn't the sort one would expect from Gov. Rod Blagojevich — at least not until now. The Chicago Democrat's third State of the State address was peppered with relatively modest programs and promises, avoiding the pomp and personal attacks that punctuated previous interactions with the General Assembly.

Recession, record deficits, high health care costs and an unresponsive education bureaucracy kept hope drowning in a sea of doubt, Blagojevich told lawmakers last month. "But thanks to you, and to the hard-working people of Illinois, I'm proud to say that the state of our state is strong and growing stronger." That strength, he said, was evidenced by 50,000 new Illinois jobs created last year and a state unemployment rate that dipped to its lowest level in more than three years.

Blagojevich's speech centered on proposals to follow this economic progress with many more job-creation programs. At the same time, he expressed interest in rebuilding bridges to the business community, sweeping aside the cinders of a relationship scorched by two years of fiery rhetoric.

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*He expressed interest in rebuilding bridges to the business community, sweeping aside the cinders of a relationship scorched by two years of fiery rhetoric. In fact, a good deal of Blagojevich's speech focused on ways to heat up Illinois' business climate.*

In fact, a good deal of Blagojevich's speech focused on ways to heat up Illinois' business climate, which some say the governor made less temperate when he hiked fees and moved to close so-called corporate tax loopholes in an effort to balance his first two budgets.

So far, the usual critics approve the approach but await the follow-through.

This year, for instance, the governor said he wants to root out worker's compensation fraud and hammer out a new benefit system that business and labor can live with. The goal, he said, is to help Illinois shed its status as the 19th-most-expensive state for insuring

employees against workplace injuries.

Blagojevich said his administration also is studying ways to lower health insurance costs for small businesses. He pointed to one model in particular that allows small companies in the Cleveland area to pool health insurance for possible savings of 15 percent.

These proposals won tentative applause from the other side of the political aisle. "A lot of what was said here today was a Republican agenda," said Senate Minority Leader Frank Watson, a Greenville Republican. "I'm surprised at the emphasis that he talked about on the job climate because that's what we've been talking about."

Blagojevich won approval, as well, for another of the GOP's top priorities. Without suggesting a solution, the governor stated the need for meaningful medical malpractice reform while acknowledging negotiations on the issue have been a bust. Still, he said he believes the legislature can approve reforms that protect the personal assets of doctors, allow the injured to bring claims and lower premiums insurers charge.

"I hope he's sincere," Watson said. "That's the only problem I might have. A track record out there of floating out ideas and then not following through has accompanied this governor in the last couple years. I personally think he means it on medical malpractice."



Rhetoric, however, can't remove the major political stumbling block on this issue: whether to cap awards for pain and suffering. Republicans continue to argue for limiting jury discretion in financial compensation for noneconomic damages. Democrats argue Illinoisans couldn't be assured of legal relief if caps were in place.

Blagojevich injected himself into another contentious battle when he urged lawmakers to join him in building the Peotone Airport. Blagojevich said moving forward on a south suburban airport — a project long supported by U.S. Rep. Jesse Jackson Jr. of Chicago — could create as many as 15,000 jobs. At the same time, he recognized Will County's desire for a role in overseeing any airport that might be built within its boundaries and reaffirmed his commitment to expanding Chicago's O'Hare International Airport, which proponents say would create 195,000 new jobs.

Meanwhile, another 252,000 jobs, including 42,000 this year, should be created, Blagojevich said, under his 10-year, \$5.3 billion transformation of the suburban tollway system.

But the governor didn't limit his jobs programs to Chicago and the suburbs. Southern Illinois, he said, should realize nearly 3,000 new jobs through a clean coal power plant that is being built with up to \$1.7 billion in state financing. And some 3,000 construction jobs and several hundred permanent jobs could be generated, he said, if the state increases its renewable energy standards. Lt. Gov. Pat Quinn has promoted wind power over the past two years, and Blagojevich incorporated the concept in his speech.

Finally, the governor announced his goal, albeit a vague one, to make Illinois attractive to companies meeting homeland security needs.

Job creation, of course, is often tied to job climate. With Illinois facing a budget deficit of at least \$1 billion and perhaps \$2 billion next year, good will could turn to sour grapes if the state's next budget again relies on squeezing revenue from the business sector.

Representatives of that sector say they're still coping with a hangover from Blagojevich's first two budgets. The Illinois Supreme Court could cure

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***As another budget battle plays out in the General Assembly these next few months, business interests will watch whether Blagojevich's latest rhetoric falls victim to the state's bottom line.***

one of those headaches as soon as this month. The dispute centers on a worker's compensation surcharge the Blagojevich Administration implemented among more than 300 budget-balancing fee hikes two years ago. The Illinois State Chamber of Commerce filed suit last year, contending that businesses are being asked to shoulder an unfair economic burden.

In last month's State of the State, Blagojevich repeated his commitment to holding the line on income and sales taxes, which has so far required the business community to bear what it considers to be an uneven share of the budget burden. Still, the governor's conciliatory, even pro-business tone did contrast sharply with the past.

Todd Maisch, vice president of government affairs for the Illinois chamber, was among those who saw what may be a new side of Blagojevich.

"People ask me, 'What do we need to do to turn things around?' And I've always said, 'We need to start even with just a change in tone from the governor,'" Maisch said. "The governor has thrown out an awful lot of anti-employer rhetoric over his first two years. So we welcome the tone. We hope it is matched with concrete and effective follow-through.

"It's real easy to say you want to be the friend of employers and help them out, but it's got to be backed up by policies. And, in the first two years, the policies have been very bad for employers."

So, whether it's wine month or worker's compensation reform, business interests will await the details. As

another budget battle plays out in the General Assembly these next few months, they will watch whether Blagojevich's latest rhetoric falls victim to the state's bottom line.

But at a minimum, the change in tone has been refreshing. In this year's State of the State, no special interest was targeted for selling short the state of Illinois.

"Of the three speeches the governor has given on the state of the state, this was, to me, by far, the best," said Sen. Ed Petka, a Plainfield Republican. "There were no bogeymen that were trotted out for the governor to bash on. And I think, for the first time since he's been in the chair, he has laid out a plan that I think is fairly ambitious."

Can ambition be matched by results? And can the governor succeed without a foil? A year ago, the bogeyman was the "Soviet-style bureaucracy" known as the Illinois State Board of Education. The legislature didn't let him relegate the board to think-tank status, but the governor did strip the board's independence.

Blagojevich saw that crusade through to conclusion. But other efforts have been marked by starts, stops and inconsistencies.

Here's a case in point: Two years ago, when vanquishing fiefdoms was on his agenda, Blagojevich put an end to the independent Grape and Wine Resources Council, which spent about \$200,000 a year on the salaries of grape and wine experts and administrative help. Under Blagojevich's latest plan to boost central and southern Illinois tourism, though, the state will spend \$142,000 on wine marketing, with nearly three-quarters of that money headed to a Chicago public relations firm.

So one might excuse those who remain unconvinced by the reversal seen in Blagojevich's most recent State of the State address.

The toned-down rhetoric was a start some in the business community could drink to. But after last year's session lingered through much of July, partisans will watch to see whether a favorable budget resolution ripens well before September and the start of Illinois Wine Month. □

*Pat Guinane can be reached at [capitolbureau@aol.com](mailto:capitolbureau@aol.com)*

# BRIEFLY

## RIVER RESTORATION

### Saving the world's supply of fresh water

Photographs copyright The Nature Conservancy

**T**he Upper Mississippi River watershed, including most of Illinois, is at the heart of an effort to protect global freshwater sources. The Nature Conservancy, with the help of a \$12 million grant from the Caterpillar Foundation of Peoria-based Caterpillar Inc., will try to reshape the way large river systems worldwide are preserved, protected and, in some cases, restored. The project will be based on information scientists have learned over the past century studying the rivers of the Upper Mississippi.

"We want to have good science driving good public policy," says Michael Reuter, the conservancy's project leader.

Part of the emphasis on the Upper Mississippi stems from pressures to improve navigation on the river. In January, the chief engineer for the Army Corps of Engineers endorsed the recommendation for new locks and dams and ecosystem restoration on the Upper Mississippi River system, which includes the Illinois River. The recommendation, seen as a final step before congressional action, includes \$5.7 billion for ecosystem restoration, with support for an initial, 15-year installment of \$1.58 billion for more than 1,000 individual projects (see *Illinois Issues*, July/August 2004, page 26).

The Nature Conservancy's Great Rivers Partnership will coordinate and support conservation efforts on three major rivers on three continents. In addition to the Upper Mississippi River Basin, which supports about 30 million people, the project will concentrate management and restoration work on the Upper Paraguayan-Parana River



Chad Dormire monitors American lotus in the restored wetlands at Spunky Bottoms.

system in Brazil, which serves 17 million people, and the Upper Yangtze River in China, one of four rivers that supply fresh water to 550 million people.

"Information will move back and forth," says Ken Lubinski, a U.S. Geological Survey river ecologist who works with the conservancy and heads the Center for Conservation and Learning. A

major component of the conservancy's plan is a "no walls" center staffed by conservation scientists from several states who will meet regularly to plan, set goals and assess progress. Scientists working on the three river projects, as well as the public, can access databases through the Internet.

"The center will serve as the overarching science cornerstone of river

conservation," says Lubinski. It will act as a clearinghouse for scientific information used to develop models for managing and healing the world's rivers. And it will play a major role in applying to river systems adaptive management techniques, which build on best practices.

"We may have a long-term vision for both navigation and for ecosystem quality along the river, and we think we know how to get there," Lubinski says. Adaptive management recognizes there are gaps in knowledge. "So you need to make some progress and continually check on whether you have succeeded in the direction you want to go."

In the conservancy's plan, science takes on a much more explicit role than in the past. "We're collecting information very specific to decisions being made," says Lubinski, "from refuge managers, to regulatory agencies, to budget managers, to policymakers."

Beverly Scobell



This American lotus blooms at Spunky Bottoms in west central Illinois in Brown County, along the west side of the Illinois River. Each flower blooms for only two days.

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>



## LEGISLATIVE CHECKLIST

*March marks the deadlines to move legislation out of House and Senate committees. Low-cost ideas should be popular again this session as early estimates place next fiscal year's budget deficit above \$1 billion and perhaps as high as \$2 billion. Here's a sampling of the proposals that could come up.*

### **Drug courts**

House Republicans want \$10 million to develop a statewide system of drug courts that could help wage the war against methamphetamine and reduce the burden on local criminal courts.

Already in place in 13 Illinois counties, drug courts focus on rehabilitating nonviolent users. A 2003 National Institute of Justice study shows a 16.4 percent recidivism rate for drug court graduates, while state corrections data suggest that incarcerated drug offenders are nearly three times more likely to commit repeat offenses.

"When you look at how well this works elsewhere, how can we not afford to make the investment?" says Rep. Chapin Rose, a Mahomet Republican.

Offenders who opt out of drug courts would face a minimum penalty of six years in prison and a \$25,000 fine for meth possession.

### **Ethics**

Firms that set up fake female and minority figureheads to win government contracts would face felony charges and up to three years in prison under legislation introduced by Reps. Marlow Colvin of Chicago and David Miller of Calumet City, both Democrats. Sham companies also could be forced to repay one and a half times the contract amount.

Elected officials would be barred from corporate-sponsored junkets if the General Assembly closes a loophole allowing travel expenses for trips loosely related to state business.

### **Human rights**

New proposals this spring focus on human rights in school studies and foreign investment, while legislators

also are renewing an effort to end discrimination in the housing market.

The state law requiring students to study the Holocaust would include subsequent acts of genocide in Ukraine, Cambodia, Bosnia, Rwanda and Sudan under legislation sponsored by Reps. John Fritchey, a Chicago Democrat, and Paul Froehlich, a Schaumburg Republican. Some Jewish groups are concerned the change could diminish the significance of the Holocaust.

Rep. Monique Davis, a Chicago Democrat, wants to establish an Amistad Commission to advise schools on the historical significance of slavery and the African slave trade.

Sen. Jacqueline Collins, a Chicago Democrat, would prohibit state deposits in banks that make loans to groups doing business with the Sudanese government until the country puts an end to ethnic cleansing in the Darfur region.

Lawmakers also want to ban housing discrimination on the basis of income, which means Illinois landlords could not turn away low-income tenants who rely on government housing vouchers.

### **Education**

Perhaps buoyed by a strong public commitment from Senate President Emil Jones, lawmakers again plan to push for school funding reforms that would swap reliance on local property taxes with an income tax increase. Democrats Miller of Calumet City and Fritchey of Chicago have reintroduced a measure that also would tax some services and a portion of retirement income while providing property tax relief. Sen. Rick Winkel, a Champaign Republican, says he will push a more limited tax swap for education.

Sen. Miguel del Valle wants to reinstate writing aptitude tests for elementary students. The tests were dropped this year because of state budget cuts. The Chicago Democrat also wants to mandate another year of math and science in state high schools. Beginning in 2010, the math requirements would go from two to three years, while science requirements would be upped from one to two years.

Republican Reps. Roger Eddy of Hutsonville and Bill Brady of Bloomington want to lift the \$50 limit on what schools

can charge students who take driver's education. Local school boards could then set their own rates.

And Sen. Dave Sullivan, a Park Ridge Republican, wants schools to educate student athletes about steroid abuse.

### **Guns**

Gun rights advocates are pushing two measures to scale back municipal gun bans. One proposal would allow crime victims to sue if they believe a local gun ban prevented them from warding off an attack. It also would allow residents of cities that ban handguns to keep those weapons in their homes for self defense.

Last year, lawmakers voted to grant some legal protection to homeowners who shoot intruders with guns banned by their local governments.

A second new measure this year would close a loophole that allows Chicago aldermen to carry guns, but not other citizens.

There also is continued support for lowering the state's gun permit age from 21 to 18, although the governor stymied that effort last year.

Meanwhile, Chicago Democrats again are carrying a lineup of gun control measures on behalf of Chicago Mayor Richard Daley. One would close the so-called gun show loophole by requiring background checks on buyers at those events. Another proposal would limit Illinoisans to one handgun purchase per month. The package includes a state ban on certain semiautomatic weapons, which would replace the expired federal ban on assault weapons.

### **Teen restrictions**

Raising the prospect of pale prom queens, a Chicago Democrat, Rep. Kevin Joyce, has suggested making tanning beds off limits to anyone under the age of 18, even if they have parental permission.

Meanwhile, legislation approved by the House would require new drivers to park their cell phones. Teens and new adult drivers could face a \$79 fine if they gab while driving on a learner's permit.

*Paige E. Wassel*

## ILLINOIS' AGITATOR

### Remembering an early activist for suffrage

Pioneering Illinois suffragist Mary Livermore didn't live long enough to see American women get the right to vote. The year 2005 marks the centennial of her death and the 85th anniversary of the passage of the 19th Amendment.

But Livermore, who also was an advocate of temperance and sanitation improvements, saw value in her generation's suffrage work. The weekly Boston-based publication *The Woman's Journal* published this commentary by Livermore in its September 12, 1891, issue:

*Under cover of the fire which has been kept up nearly fifty years for women's enfranchisement, the whole social system has been changed. The legal status of wives, mothers, and widows has been greatly modified; education, self-support, and opportunity have been accorded to women; a larger conception of womanhood prevails, and the days of "woman subjection" are nearly ended. The agitation of the women suffrage question for half a century has made possible the large work of women today in education, philanthropy, reform, and cooperative work.*

Massachusetts-born Mary Ashton Rice Livermore and her husband Daniel, a Universalist minister, moved in 1857 to Chicago. There, Mary Livermore helped organize the Illinois Woman Suffrage Association and became its first president. She soon started the suffrage newspaper, the *Agitator*.

Livermore moved back to Massachusetts after failing to agitate the framers of Illinois' 1870 Constitution into including suffrage. In Massachusetts, Livermore merged her *Agitator* into *The Woman's Journal* and became president of the American Woman Suffrage Association.

After Livermore's death, the Illinois legislature provided a major breakthrough in the suffrage struggle in 1913 by giving its women residents the right to vote for the president of the United States.

"The effect of this victory upon the nation was astounding. Suffrage sentiment doubled over night," wrote Carrie Chapman Catt and Nettie Rogers Shuler in their book, *Woman Suffrage and Politics; the Inner*



Suffragists march in New York City on May 6, 1912, eight years before women got the vote.

Photograph courtesy of the Library of Congress



Mary Ashton Rice Livermore championed abolition before taking on the suffrage cause.

*Story of the Suffrage Movement.* "Illinois, with its large electoral vote of twenty-nine, proved the turning point beyond which politicians at last got a clear view of the fact that women were gaining genuine political power."

And, on June 10, 1919, Illinois became the first state to approve the 19th Amendment to the U.S. Constitution, which gave women the vote nationwide. Over the course of a year, the other 35 states needed for ratification followed Illinois' lead.

Photograph courtesy of the Library of Congress

Photograph courtesy of the Library of Congress

## Sixty-sixth Congress of the United States of America;

### At the First Session,

Begun and held at the City of Washington on Monday, the nineteenth day of May, one thousand nine hundred and nineteen.

### JOINT RESOLUTION

Proposing an amendment to the Constitution extending the right of suffrage to women.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.*

#### "ARTICLE ———."

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"Congress shall have power to enforce this article by appropriate legislation."

*E. A. Tamm*  
Speaker of the House of Representatives.

*Thomas W. H. ...*  
Vice President of the United States and  
President of the Senate.

*The 19th Amendment: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of sex. Congress shall have the power to enforce this article by appropriate legislation."*

And Livermore's prediction had come true: "The times are changing, and the woman's hour draweth nigh."

Maureen Foertsch McKinney



## DRUG-SNIFFING DOGS

### Decision on Illinois appeal sets high court precedent

Attorney General Lisa Madigan won the first case she argued as Illinois' top prosecutor, but critics say the victory comes at the expense of civil liberties.

The U.S. Supreme Court ruled 6-2 that police can use drug-sniffing dogs even without a reason to believe a motorist is transporting narcotics. The decision, issued in late January, comes from an appeal Madigan argued before the court in November.

In 1998, Roy Caballes was pulled over on Interstate 80 in LaSalle County for driving six m.p.h. over the speed limit. Police walked a drug dog around the exterior of Caballes' car. The dog signaled the presence of drugs and police discovered 282 pounds of marijuana in Caballes' trunk. The high court ruled that such use of a drug dog does not violate the Fourth Amendment protection against unreasonable searches, reversing a 4-3 Illinois Supreme Court decision.

"The decision permits police to really change the very nature of a routine traffic stop from a pretty typical pedestrian, mundane experience that all of us have been through, unfortunately, into what can be an intimidating, frightening and scary proposition," says Ed Yohnka, executive director of the American Civil Liberties Union of Illinois.

Conversely, Madigan argues that drug dogs are rarely used but can help police slow the flow of drugs along I-80 and other high-traffic routes.

Pat Guinane

## PRESSBOX

The *Chicago Sun-Times* reported that Illinois Attorney General Lisa Madigan has asked the state Supreme Court to rule unconstitutional a law opening the door for a casino in Rosemont. Madigan, reversing herself, now says that a 10th casino license should be granted only for an operation in East Dubuque, where it was originally sited by the legislature.

*Crain's Chicago Business* reported that the Illinois Department of Transportation is seeking companies to sponsor the official state highway map.

"Specifically," *Crain's* reported, "the department wants someone to pay the roughly \$350,000 needed to print nearly 3 million four-color maps, and if competition becomes spirited, perhaps a little more that could go for department expenses."

The *Los Angeles Times* reported that attorneys general from eight states, including Illinois, have urged federal regulators to beef up security at nuclear power plants.

UIS Women's Center and the  
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# Sheila Simon

## A LIFE in ILLINOIS POLITICS and LAW

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### *A Daughter Carries Forward the Legacy of Jeanne and Paul Simon*

Ms. Simon is Clinical Assistant Professor of Law,  
Southern Illinois University School of Law

## CONTRACT WATCH



### Property management

The state has sweetened its agreement with Illinois Property Asset Management by \$5.7 million, bringing the Chicago consortium's overall deal to \$31.3 million.

The firm can no longer charge commission fees to the state or private landlords, but the contract change will cost taxpayers another \$3.5 million.

The state also gave Illinois Property Asset Management a \$2.25 million no-bid contract to evaluate the physical conditions of state properties. That task already was spelled out in the original \$24.9 million contract the company agreed to last year.

### Health care

Caremark dropped a legal challenge preventing the state from releasing details of the company's contract to provide prescription drugs to state employees.

Caremark had argued that its prices are sensitive trade secrets, but a Cook County judge disagreed.

Meanwhile, the Illinois Department of Central Management Services has chosen Medco Health Solutions to replace Caremark as the state's pharmacy benefit manager in July. CMS says the contract will save the state \$120 million over five years.

Medco, the world's largest pharmacy benefits manager, settled consumer protection claims with Illinois and 19 other states last April. The company gave Illinois \$1.8 million, settling claims that it encouraged doctors to switch patient prescriptions and then pocketed accompanying savings while patients often paid more.

## THE COST OF POLITICS

The State Board of Elections is investigating charges that two political groups posed as not-for-profits to avoid disclosing the source of \$890,000 in campaign contributions. The cash benefited both sides in last fall's highly contentious state Supreme Court contest.

The Illinois Campaign for Political Reform and the Sunshine Project filed complaints alleging the organizations raised the funds anonymously before transferring lump sums into political action committees. State law requires full disclosure of campaign contributions, and the alleged shell game seems to skirt that requirement.

"There's no reason to do it this way other than to hide the names of the contributors," says Kent Redfield, a University of Illinois at Springfield political science professor and director of the nonprofit, nonpartisan Sunshine Project, which tracks campaign spending in Illinois.

The complaints allege the Republican-leaning Illinois Coalition for Jobs, Growth and Prosperity and the Democrat-friendly Justice for All Foundation organized themselves as not-for-profit corporations but acted like political action committees.

The Illinois Coalition for Jobs, Growth and Prosperity funneled \$505,000 to a political action committee of the same name. The coalition PAC in turn gave \$8,000 directly to Nashville Republican Lloyd Karmeier, the victor in the race to represent southern Illinois on the state's high court. The coalition PAC also gave \$150,000 to JUSTPAC, the political action committee of the Illinois Civil Justice League, which contributed \$1.19 million to Karmeier's campaign.

Meanwhile, the Justice for All Foundation contributed \$385,000 to a political action committee of the same name. The foundation PAC in turn contributed more than \$1.2 million to the campaign of Gordon Maag, the Glen Carbon Democrat defeated by Karmeier.

Filed in early February, the election complaints mark the latest chapter in a nasty race that cost more than any judicial contest ever. Maag and Karmeier combined to spend nearly \$9.3 million, according to campaign finance reports filed at the end of January.

Mary Schaafsma, judicial project director for the Illinois Campaign for Political Reform, says outside interests fueled the spending.

"The parties involved in this broader issue of tort reform lined up here and used the fact that Madison County is in this district to pour the money into Illinois," she says.

Widely criticized for the use of negative ad campaigns, the two candidates spent some \$6.6 million to produce and air radio and TV spots, according to an *Illinois Issues* review of campaign finance reports. In the final six months, Maag spent roughly \$3.4 million on media costs compared to about \$3.1 million for Karmeier. The Democratic Party of Illinois contributed about \$2.2 million to Maag's media spending, while the state Republican Party covered roughly \$1.7 million of Karmeier's media costs.

Schaafsma says the ads reflected a "conundrum" of judicial elections.

Candidates are expected to state their beliefs, but their comments are not supposed to interfere with the impartiality required of the judiciary.

In legislative races, meanwhile, the deep southern Illinois Senate race between Benton Democrat Gary Forby and Thompsonville Republican Ron Summers set a new record for overall spending at roughly \$2.3 million. Forby, who won the election, spent about \$350,000 more than his opponent.

Peoria Heights Democrat Ricca Slone and Peoria Republican Aaron Schock ran the most expensive House race last year, spending almost \$1.5 million combined. The incumbent Slone lost the election, despite raising about \$241,000 more than her challenger.

In the last half of 2004, Gov. Rod Blagojevich raised \$934,000, and year-end figures put his war chest at almost \$10.4 million. The gubernatorial primary is in March 2006.

Paige E. Wassel



## SAVING MAIN STREET

### Ogle County townspeople win fight with city hall

In Oregon, a town of 4,000 on the Rock River 90 miles west of Chicago, a proposed road improvement prompted local residents to challenge a decision by their elected leaders. What began as a straightforward way to get state money for local improvements ended with a community renewing its sense of history and planning not only to improve its downtown district but also to protect it.

An Illinois Department of Transportation plan to widen the intersection of state routes 64 and 2 at Oregon's downtown square called for the demolition of two historic buildings and reconstruction of a third. All the mature trees lining the street would also be lost.

"We were lucky we found out about it in time to do something," says Julie Watt, who organized a protest. "In the beginning, we sought help from our state senator and representatives, but we essentially were told that nobody beats IDOT."

The transportation department proposed changing the intersection because the turn was difficult for tractor-trailers to maneuver, and some minor accidents had occurred. An Illinois Historic Preservation Agency assessment requested by the transportation department reported the buildings did not have enough historic significance to stop the job.

However, the Landmarks Preservation Council of Illinois disagreed and began working with Watt and her citizens' group, Save Scenic Oregon. The council hired ArchiSearch Historic Preservation Consultants to assess the entire area's architectural and historical significance for eligibility for listing on the National Register of Historic Places. Alice Novak, who also is a visiting professor of urban and regional planning at the University of Illinois at Urbana-Champaign, owns the company and performed the assessment.

"Oregon is a beautiful town, both historically and for its natural beauty," says Novak. "It's just ripe for development through historic preservation." She identified 39 commercial buildings for a potential historic district.

Novak reported that the two buildings slated for destruction, the Rock River Bank and the Jacobs Block/National Clothing House, were "crucial components" of a



Residents used yard signs to draw attention to a proposed road project.

future historic district.

Enhanced by an 1891 courthouse that is already listed on the National Register, Oregon's square has the potential to have an enlivened commercial district, says Lisa DiChiera of the Landmarks Preservation Council. National Register status comes with tax incentives for building owners to make renovations and improvements that in turn draw visitors. The town appeals to river sports enthusiasts and to artists who have been visiting the area for a century. Donated works from the artists' colony are on display at the local library. Because of this, DiChiera says, Oregon should be able to get services and grants through the state's Main Street program.

Armed with a year's worth of research on ways the city could update its infrastructure without harming its historic integrity and small town charm, Watt and her group, which was joined by the bank, convinced the city council in January to stop the road project on the square.

Greg Mounts, regional district engineer covering Ogle County, says the transportation department holds public hearings once it determines a need to improve a road. "We don't want to do a project that doesn't have a consensus locally," he says.

Watt says, "Now we can continue to work on getting on the National Register and being named an Illinois Main Street town. That should ensure Oregon's downtown is protected in the future." *Beverley Scobell*



The Rock River Bank sits across the street from the Ogle County Courthouse.



The National Clothing House anchors a downtown commercial district dating to 1855.



## LIGHTS, CAMERA, ACTION

### Tax incentive brings movie jobs to Illinois

Evanston native John Cusack shot scenes for his latest movie *Ice Harvest* in Waukegan, Highland Park, North Chicago and Chicago. The north suburbs of Winnetka and Lake Forest can be spotted in *Ocean's 12*, released last year. *Derailed* with Jennifer Aniston was filmed in Chicago and at the closed Joliet prison. *Batman Begins*, the 2005 version starring Christian Bale, has scenes in the Loop and on Lower Wacker Drive. *Roll Bounce* with rapper Bow Wow and *The Weather Man* with Nicolas Cage used several city locations.

All these major productions used Illinois as a stage in 2004 as film producers took advantage of a recent tax incentive that made Illinois a competitive choice for movie scenery (see *Illinois Issues*, December 2003, page 8). The projects, which include television and independent films as well as pictures from the major Hollywood studios, created 15,000 jobs and generated \$77 million, a 200 percent increase in one year.

The 2003 state law was renewed with some difficulty during budget negotiations last summer. It provides a tax credit equal to 25 percent of the wages paid to Illinois workers hired for projects shot in the state. Productions of 30 minutes or more have to spend at least \$100,000 on Illinois labor. Shorter films also may qualify for the tax break.

"Our state is the perfect backdrop for any kind of movie or television project," says Rep. Angelo "Skip" Saviano, a River Grove Republican, "and that is great economic news for Illinois."

Because of the program's success, Saviano intends to include it in the budget rather than as a separate bill this year. He says the leaders wanted to renew it a year at a time to track its success, and this year he sees no opposition.

*Beverley Scobell*

## REPORTS

### Grades for the states

Illinois earned an average grade in an analysis of state governments' performance. This state, which had an overall grade of C+, took a hit for carrying the nation's largest unfunded pension liability but earned positive commentary for streamlining through consolidation of agency functions.

The *Grading the States 2005* rating comes in The Government Performance Project, an independent analysis of state government management. The project, funded by The Pew Charitable Trust, which is based in Philadelphia, looks at the states' management of money, people, infrastructure and information. "Illinois is undergoing one of the most dramatic reorganizations of any state government in recent years as it attempts to emerge from decades of mismanagement," states the report, which was compiled by a group of academics from several universities and journalists working under the direction of *Governing* magazine.

Among criticisms of Illinois' management: "An inventory of assets, already compiled by many other states, is only in its early stages." And there is a backlog of infrastructure maintenance tasks resulting from the previous decentralized planning system.

"A similar lack of coordination in information technology has produced an urgent need for consolidation and standardization," the report stated. "Information technology had been allowed to grow without coordination in each of 50 different agencies, resulting in multiple platforms, 22 e-mail networks and many different accounting practices."

Illinois was one of 16 states to get a C+ grade. Others in that category include Colorado, Indiana, Massachusetts and Mississippi. The lowest grade was a C-, which Alabama and California received. States getting the highest grade offered — a B+ — included Delaware, Kentucky, Michigan, Minnesota and Washington.

### Early child care

Money spent on preschool education and child care lowers long-term costs for government, according to findings by three Chicago-based advocacy organizations. "Every dollar invested in quality Early Care and Education saves up to \$17 dollars on government expenditures by reducing costs of remedial education, grade retention and crime," states a Joyce Foundation report produced by Action for Children, Metropolis 2020 and the Illinois Facilities Fund.

The aim was to study the economic impact of the child care industry. Among the findings: The early child care and education industry in Illinois generates \$2.12 billion every year and employs about 56,000 people full time. Meanwhile, low-income children who have had early care and education have greater success in school and are more likely to be employed as adults.

The report calls for expanding eligibility for state subsidies for child care and creating public-private partnerships to build quality facilities, develop more infant care programs and help the industry improve its business skills and practice.

### Unaffordable housing

A task force created by the governor recommends that state agencies coordinate efforts to increase access to affordable housing. More than 1.1 million Illinois families have housing that is unaffordable, overcrowded, unsafe or unsanitary, according to the report.

The task force called for funds for housing assistance, including dollars from federal sources, to be pooled and for a committee with representatives of state agencies to review potential projects to build new housing.

It also recommended that projects be targeted for high-need populations. And it called on the governor, housing agencies and the Illinois congressional delegation to apply pressure at the federal level for continued funding of low-income housing programs such as Section 8 and rural development through the U.S. Department of Agriculture.



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# Bioethics

The  
beginning  
and  
end  
of life

*Illustration by Kathleen Riley*





## Essay by Lori Andrews

Shortly after the announcement of the creation of Dolly the cloned sheep, a remarkable group came together at the Illinois Institute of Technology in Chicago. They included Scottish biologist Keith Campbell, Dolly's creator; British in vitro fertilization pioneer Robert Edwards, who created the world's first test tube baby; Mary Beth Whitehead, the surrogate mother who fought for custody of the child she contracted to bear; and Arthur Caplan, the charismatic University of Pennsylvania bioethicist. At that meeting, physicist Richard Seed shocked the world by announcing that he was planning to clone a human being.

Seven years have passed since that meeting and, so far, Seed has not accomplished his goal. But the ideas planted at that gathering have flowered into a major bioethics initiative in Illinois. During the past year, the U.S. Congress granted more than \$1 million to the Institute on Biotechnology and the Human Future at the Illinois Institute of Technology to advise the government, the public, businesses and professional organizations about the risks and benefits of biotechnology.

It's no surprise that Illinois is the center of bioethics dilemmas. Policy decisions about cutting-edge technologies are encountered every day in the Land of Lincoln, with its more than 300 biotech and pharmaceutical companies, 224 hospitals and 23 cutting edge infertility clinics — not to mention the headquarters of national organizations such as the American Medical Association, the American Hospital Association, the American College of Surgeons, the American Academy of Pediatrics, the College of American Pathologists and the American Bar Association.

Controversies abound. At the Reproductive and Genetics Institute in Chicago, Yury Verlinsky undertakes

preimplantation genetic screening on human embryos so that couples can choose to implant embryos without the chromosomal anomaly of Down Syndrome or the genetic mutation predisposing the child to early onset Alzheimer's disease. Some people welcome this technology as a new form of preventive medicine, others criticize it as a private approach to eugenics.

At Northwestern Medical Center, a massive genetic research project known as NUGene was created using tissue from patients, with their consent. Some people see this as a boon to the identification of genetic mutations that cause disease. Others worry that their genes may be patented, leading to high prices for genetic tests and bans on other researchers' use of patented genes. Certain genes that predispose people to breast cancer were patented by the biotech company Myriad. Now the company forbids doctors from looking at those genes in their patients' blood. Instead, the doctors must send the blood to a Myriad-related lab, and Myriad can charge whatever it wants for the test. Current rate: \$2,975. Before Myriad asserted its patent rights, the test was available at a much lower price.

After a car accident on an Illinois highway, a young doctor was called in to collect sperm from the dead man so that his widow could bear his child. Some view postmortem parenting as expanding reproductive choice. Others argue that procreation without the man's advance permission is morally akin to rape.

Meanwhile, in hospitals across the state, doctors and family members are dealing with more commonplace, but equally difficult, decisions pertaining to the end of life. When should medical treatment for a comatose individual be terminated as futile? What role should the family play in the decisions? What if there are disputes among relatives about what should be done?


Illinois courts and the legislature have spent a considerable amount of time dealing with the profound social and legal issues surrounding the end of life. In 1988, 8-month-old Sammy Linares swallowed a balloon and suffocated. He fell into a coma, in what seemed to be a persistent vegetative state with no

apparent hope for recovery. The parents begged the Chicago hospital to disconnect the boy's respirator, but the hospital refused. Finally, when Sammy was 16 months old, and still in a coma, his father warned the hospital staff off with a gun and disconnected the respirator. Although a grand jury threw out the murder charge against him, he was convicted of assault with a deadly weapon.

Since that time, Illinois has clarified its rules about termination of treatment. In Illinois, a person can use a living will to indicate in advance his or her wishes about life-sustaining treatment. Or that person can appoint a surrogate health decision maker, under the Illinois Power of Attorney Act. If a patient is incapable of making a decision and has given no advance indication of what he or she would want, the Health Care Surrogate Act describes how to determine which person close to the terminally ill individual is empowered to make the decision to withdraw treatment.

A mainstay of bioethics inquiry for nearly four decades, end-of-life decisions are being pushed aside by new questions at the opposite end of life's spectrum. Amidst a biotechnology revolution that makes the industrial revolution look mild, many profound new ethical issues deal with the beginnings of life. It's now possible for a child to have six or more parents: an egg donor, sperm donor, surrogate mother and her husband, and the rearing couple. In the United States alone, an increasing number of children are created each year with the aid of fertility technology, at a cost of \$4 billion. Fetuses can be tested before birth — even before implantation — for more than 500 genetic mutations, ranging from serious diseases such as Tay-Sachs to characteristics such as perfect musical pitch.

Americans increasingly approach procreation with a shopping-list mentality. Each year, nearly 100,000 births occur after donor insemination or with egg donation, with many people choosing their future babies according to the hair color, hobbies, SAT scores, height (for men) and weight (for women) of the donors. An ad in a Stanford University newspaper offered \$100,000 for an egg donor with "proven college-level athletic ability." People who can't get enough



tabloid coverage of royals can pay \$4,000 for the sperm of a man who traces his lineage to European royalty and several Catholic saints. He advertises on a "royal and biblical gene" Web site that pays \$500 to doctors for referrals.

Some parents abort girl fetuses because they want a boy. In one study, 12 percent of parents said they would abort a fetus with a genetic predisposition to obesity. In California, a court suggested that a disabled child could sue her parents for not aborting her. Imagine the lawsuits! A daughter might sue her folks for not making her prettier by paying for a "better" egg donor — or for not using genetic enhancement to make her smarter.

As technology evolves, parents-to-be will have even more control over the traits of their offspring. Scientists have already put human cancer genes in mice and firefly genes in tobacco plants, causing them to glow in the dark. Now genetic engineering is being proposed for human embryos. Where might that lead? In a Louis Harris poll sponsored by the March of Dimes, 43 percent of respondents said they approve of changing the makeup of human cells to improve babies' physical characteristics; 42 percent approve of upgrading children intellectually. Another survey found that more than a third of people would like to genetically control their child's sexual preference.

Some scientists suggest modifying people with the gene to photosynthesize so that we could get our energy from the sun like plants and not waste money or time getting food. Law review articles already are raising questions about how to treat these new creations. If an individual had half animal and half human genes, would he be protected by the U.S. Constitution? When I asked my law students that question, one replied, "If it walks like a man, quacks like a man, and photosynthesizes like a man, it's a man."

The very boundaries of what is human are being changed by genetic technology. Yet hardly anyone in the public or the legislatures is paying attention. We might notice if a totalitarian government decided to inoculate all its citizens with the photosynthesis gene. But the change, the designing of children, is occurring much more subtly as a result of individual choices through an open market.

Thousands of couples turn to the Internet to find genetic parents for their future children. They view pictures of sperm and egg donors, listen to tapes of their voices and review pages of descriptions of their physical features, their hobbies, their SAT scores, their philosophies of life. At the *Ronsangels.com* Web site, couples bid on the eggs of attractive models. At the Repository for Germinal Choice, they purchased sperm from Nobel laureates. Can purchasing single gene "upgrades" be far behind?

How are we, as a society, going to judge such desires? Should certain genetic manipulations be allowed and others not? Should parents be able to buy height-enhancing genes for their embryos? Will that be viewed more like cheating in sports or more like signing your child up for private tennis lessons? Is giving a child a gene protective against a deadly disease appropriate but manipulating genes for cosmetic purposes not? Should parents be permitted to give their infants genes for traits that humans never had before, like the running speed of a cheetah? And if the designer babies did not turn out the way the parents had planned, should lemon laws for children allow them to get their money back?

Creating a baby is beginning to resemble buying a car with consumer choices about which features and extras to request. Yet children don't come with the same guarantees as do cars or toasters. The child of an attractive model could be downright homely. And Nobel Prizes tend to be awarded to people in the same laboratories rather than in the same families. William Shockley, a Nobel laureate sperm donor, once said that his own children were a "regrettable regression to the mean."

How will parents feel if they pay for "smart" sperm, and  $E=mc^2$  isn't the first thing out of their child's mouth? Already, one couple sued a sperm bank when the babies weren't as handsome as they had wanted.

Reproductive and genetic technologies are developing with very little oversight in this country. Part of the freedom from regulation is a result of constitutional protection of reproductive choices. And part is from a legislative paralysis where in lawmakers are afraid to act because, unlike many other policy areas, everyone



has an opinion about how the next generation should come into the world. Any regulation is bound to offend someone.

More important, though, the societal debate about abortion has prevented any federal research funds from being used for procedures involving embryos. One consequence of the lack of federal funds is a dearth of outcome studies on the women and children involved in reproductive technologies. Another consequence is that experimental procedures are introduced into clinical practices without sufficient protections for the subject of these experiments. In other areas of medicine, research is initially funded by the federal government and, by federal regulation, must be reviewed in advance by a neutral committee, the Institutional Review Board, before it can be tried in humans. Since reproductive technologies have been held hostage to the abortion debate, they have not received federal funds. Researchers can still submit their plans to hospital and university institutional review boards, but they usually do not. In fact, according to in vitro fertilization doctor Mark Sauer, review board scrutiny of reproductive technology proposals is so rare as to be "remarkable."

Unlike new drugs and new medical equipment that are regulated by the federal Food and Drug Administration, no similar review of innovative reproductive technology procedures is required. Reproductive technologies also differ from other medical procedures because they are rarely covered by health insurance; only 15 states' laws, including that of Illinois, mandate some form of infertility coverage. This means that clinics are in a fierce competition for wealthy patients. To boost success rates, some clinics report as "pregnancies" small hormonal shifts in a woman's body that show that an embryo had briefly implanted — and then been reabsorbed by her body. Others implant as many as 10 embryos or use infertility drugs indiscriminately to increase the number of babies the clinic creates, even though this increases the risk to the woman and the fetuses.

Lack of insurance coverage also means that reproductive technology lacks an additional aspect of quality assurance. For other types of health services, health

insurers, through managed care outcome studies and evaluation of services, have required certain proof of efficacy before medical services are reimbursed. But because infertility and genetic services are often paid for out-of-pocket, there is less oversight of the procedures undergone by couples and their babies-to-be.

In the United States, the assisted reproductive technology industry is growing to serve an estimated one in six American couples who are infertile and the many more who want to control the genetic traits of their children. More babies are born through reproductive technologies than are available for adoption. One of the most striking things about this comparison is that every state has an elaborate regulatory mechanism in place for adoption while only a few states have enacted legislation to comprehensively address assisted reproductive technologies. Illinois is not one of them.

Yet reproductive and genetic technologies have risks that we should protect people against. They also assault social values in other ways. Germline genetic intervention on human embryos may increase cancer risks, sterility or other problems in the next generation. Proponents of genetic engineering of humans suggest that it is no different than selective breeding of animals. But geneticist Jon Gordon points out there are enormous differences when only a single gene is being introduced in a complex organism. Gordon notes that, unlike selective breeding, where numerous favorable genes are passed on at the same time, gene transfer selects only one gene and tries to improve the trait in isolation. Gordon notes that, in animals, this single-gene approach has, "despite more than 10 years of effort, failed to yield even one unequivocal success." Instead, it has produced disastrous results. When a gene shown to induce muscle hypertrophy in mice was inserted into a calf, the animal did exhibit the desired trait initially, but later exhibited muscle deterioration. The animal had to be shot.

In a separate experiment, researchers genetically enhanced the wings of flies to be 300 percent stronger than average. Instead of creating a superfly, these flies couldn't even get off the ground because they were no longer able to move their wings fast enough.

*Continued on page 21*

# Making laws for making babies

In a field with no clear social or ethical rules, courts are asked to decide subtle and far-reaching issues, such as what obligations society owes to human embryos and whether the state legislature can ban the use of certain new technologies.

Last month, a judge in Cook County considered a lawsuit by a couple against an infertility clinic that the couple says wrongfully destroyed their embryo. The judge held that the embryo could be considered a "human being" for purposes of a wrongful death suit so that the couple would have a means of suing the clinic for not taking proper care of the embryo. The decision immediately sent shock waves through the Illinois in vitro fertilization community.

Not all embryos turn into live born children. Only 30 percent of embryos fertilized naturally inside a woman's body turn into live births. But if an embryo in a clinic did not develop into a child, and the embryo was considered a person, could the in vitro fertilization doctor be charged with murder?

And what happens when the couple and the clinic have the same goals, but the legislature wants to restrict their choices? Shortly after the 1978 birth of Louise Brown, the first test tube baby, Illinois lawmakers passed an unusual law to deter doctors from doing in vitro fertilization. The law said that any physician who fertilized an egg in vitro had custody of the resulting embryo and would be subject to an 1877 child abuse law. Doctors in Illinois were afraid to use the procedure. They knew what it meant to provide an existing child with the food, clothing and shelter necessary to avoid a finding of abuse, but what did it mean in terms of an eight-cell embryo? Could a prosecutor indict a doctor each time an embryo failed to develop into a child — on the grounds that the doctor should have "fed" it a more "nutritious" petri dish mixture? Would the doctor be guilty of homicide if he or she discarded an embryo that was not dividing properly?

Another land mine was that the law granted custody to the doctor but never arranged for the parents to regain custody. If such a law had been in effect in England, Lesley and John Brown would have had no legal claim to Louise — she would have belonged to Robert Edwards and Patrick Steptoe, the doctors facilitating her birth.

There was no question that a married couple has a right to determine whether and when to bear a child through intercourse. But did a couple also have the right to decide how they would like to bear a child? Attorneys for the American Civil Liberties Union (Colleen Connell, Lois Lipton and Frances Krasnow) and I challenged this law in *Lifchez v. Hartigan* in 1990. "While the legislature apparently views in vitro fertilization as a crime," we wrote in our brief, "to many childless couples it is seen as a possible miracle. ... Procreation is universally recognized by every culture and religion as a fundamental element of the institution of marriage. For many married couples it is the essence of family. The desire to produce one's own offspring is, for most couples, as primary as the need to eat or sleep."

We argued that because the Illinois law was interfering with that decision, the law should be declared unconstitutional. In response, the Illinois legislature changed the law to ban embryo research — *except* for in vitro fertilization. Once again, we were back in court, saying the statute violated reproductive freedom. Federal Judge Ann Williams agreed with us and ruled the law, which predated stem cell technology, unconstitutional. Her opinion read: "It takes no great leap of logic to see that within the cluster of constitutionally protected choices that includes the right to have access to contraceptives, there must be included within that cluster the right to submit to a medical procedure that may bring about, rather than prevent, pregnancy."

Eventually, in vitro fertilization, in which a woman's eggs are fertilized with a man's sperm, gained fairly widespread acceptance. There is still controversy, though, about various adjuncts to in vitro fertilization. Should embryos be split in half to create identical twins and potentially increase the couple's chance of a successful pregnancy? Should women be allowed to use donor eggs and hormones to have children once they are past menopause? What sort of genetic screening, if any, should be allowed on preimplantation embryos? What should be done with frozen embryos a couple no longer wants? Should people be cloned? There are limits to reproductive liberty. People's constitutional right to make reproductive decisions does not extend to the right to use certain dangerous technologies. For example, reproductive liberty arguably does not include a right to clone human beings. It is just too dangerous. In animal cloning, one-third of the animals die shortly before or shortly after birth.

Even if reproductive cloning posed no physical risks, the emotional impact on the offspring could be devastating. If a cloned person's genetic progenitor is a famous musician or athlete, parents may exert an improper amount of coercion to get the child to develop those talents. True, the same thing may happen now — to a lesser degree — but the cloning scenario is more problematic. A parent might force a naturally conceived child to practice cello hours on end, but will probably give up eventually if the child seems uninterested or tone deaf. More fervent attempts to develop the child's musical ability will occur if the parents chose (or even paid for) nucleic material from Yo-Yo Ma. And pity the poor child who is the clone of Michael Jordan. If he breaks his kneecap at age 10, will his parents consider him worthless? Will he consider himself a failure? And what if the original Michael Jordan dies of an inheritable genetic disorder? His clones might become unemployable or uninsurable due to the forewarning of a potential problem in their genes.

Ours is going to be the generation that decides: Will we live among cloned human beings? Watch sports played by genetically enhanced athletes? Use prenatal screening as admission standards for birth? As we address these issues, we need to be mindful of the impact of biotechnology on the people who use them, the resulting children and on society as a whole.

Lori Andrews



In another study, researchers inserted an extra NR2B gene linked to long-term memory and increased cognitive and mental abilities into mouse embryos. The resulting animals (called “Doogie Howser” mice) seemed to move more quickly through mazes than the mice that had not been altered. Immediately, the question arose about whether such interventions should be undertaken on humans. Yet subsequent research, by other scientists, learned the genetic intervention had a downside. The Doogie Howser mice were more susceptible to long-term pain. The results of such studies raise many cautions against attempting genetic engineering of humans.

Scientific developments present novel challenges for policymakers, courts, private industry, the public and the media. Already some consumers report that they were not told about the physical risks of fertility drugs and multiple birth pregnancies, or that reproductive technology may require tens of thousands of dollars and years to achieve a live birth. Other people report that employers, insurers, schools and courts already have discriminated against them on the basis of their genetic makeup. Employers and insurers have a financial incentive to reject healthy applicants with genetic mutations predisposing them to diseases (such as certain cancers) that might require expensive health care or might reduce productivity in future years.

The possibility of having a widespread societal debate in the United States about biotech’s scientific and medical risks and benefits to individuals, cultural values and political institutions has been hampered by extreme divisiveness on the issue of abortion. But society must immediately find answers to a number of issues raised by biotechnology in a manner that balances private rights and public good, including: How can the safety of new biotechnologies be assured? Should parents be allowed to genetically engineer and enhance their child with desired traits, creating “designer babies”? Do people who learn they have genetic irregularities have a moral or legal duty to report them to family members who may also have the inherited mutation? Should the government allow or prohibit technologies that would significantly alter the human race?

To foster discussion and examination of such questions, Congress turned to the Institute on Biotechnology and the Human Future, directed by bioethicist Nigel M. de S. Cameron at the Illinois Institute of Technology. The institute’s board, which I chair, serves as a think-tank that is reflective of the population — some board members are anti-abortion, others favor abortion rights; some are politically conservative, others liberal; some are secular, others religiously conservative. The board is a coalition of pre-eminent and socially and religiously diverse academics, policy experts, lawyers, scientists, physicians, activists and ethicists who are dedicated to setting aside their differences on the abortion debate to work toward guaranteeing that biotechnology sustains, rather than weakens, human health and social values.

In my own work, I study the impact of new medical technologies on individuals, families, communities, social institutions and society at large and then suggest social policies to deal with the benefits and risks of those technologies. I view my work in law as akin to writing science fiction. The challenge is to try to determine what society would look like if we choose one path as opposed to another. I often think of Dame Mary Warnock’s admonition when her British committee was making recommendations about reproductive technologies: that we try to create a society that we can praise and admire, even if in individual detail we may wish it were different. □

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*For additional resources on this subject, see Illinois Issues’ Web site <http://illinoisissues.uis.edu>.*

# Tough sell

Illinois lawmakers will have to wrestle with issues of life and death before they decide whether to make this state a haven for stem cell research

by Paige E. Wassel

*Photographs by Jeff Miller, courtesy of the University of Wisconsin-Madison*



In his first term President George W. Bush posed an ethical question that remains unanswered today: Does stem cell research destroy or improve life?

"At its core, this issue forces us to confront fundamental questions about the beginnings of life and the ends of science," Bush said in August 2001. "It lies at a difficult moral intersection, juxtaposing the need to protect life in all its phases with the prospect of saving and improving life in all its stages."

Facing a political dilemma that would test Solomon, the president decided to limit federal funding for embryonic stem

cell research to existing cell lines, "where the life and death decision has already been made."

Yet by shutting the spigot to federal dollars, he effectively left the future of stem cell research to the states. Three — California, New Jersey and Wisconsin — have recently voted to back that research with their own financial resources, while others are proposing bans on embryonic study.

Illinois lawmakers, too, have begun to confront the moral questions that underlie any move to make this state a haven for the nascent science. In November,

sponsors made a second unsuccessful move to get their legislative colleagues to approve state backing. Both attempts fell short, but narrowly, in the Senate.

The fall vote was a draining disappointment for the measure's bipartisan supporters, who thought they had secured the 30 votes needed for passage. But after an hour of impassioned debate, which included tales of ailing loved ones afflicted with diseases stem cell research might one day cure, the legislation fell two votes short, the same margin of defeat as last spring. Proponents promise to redouble their efforts in the next few months.



While Illinois already hosts some stem cell research, supporters believe a state endorsement would attract much more. This year, following California's \$3 billion example, lawmakers are advancing a state bond issue to support the science. Under the measure, proposed by Illinois Comptroller Dan Hynes, the state would issue \$1 billion in bonds to create an institute charged with overseeing and encouraging stem cell research.

The hope is that Illinois will become a center for the kind of research that could find answers to a range of diseases. Since University of Wisconsin-Madison researchers isolated the first human embryonic stem cells in 1998, scientists have cited their potential for treating, and possibly curing, injuries and diseases, including diabetes, Alzheimer's, Parkinson's, leukemia and paralysis.

The unspecialized stem cells derived from embryos offer blank slates to researchers because they can be replicated for long periods while holding the potential to be developed into cell types with more specialized functions, such as brain cells, muscle cells or red blood cells. Adult stem cells, found in blood, bone marrow, tissues and organs, including the brain and liver, have lower regenerative qualities and generally are thought to be limited to the tissues they were taken from.

But while embryonic stem cells may be infinitely more versatile, they also are exponentially more controversial. They are extracted from embryos developed from eggs fertilized at in vitro fertilization clinics. Such embryos were taken from donors who no longer plan to use them.

President Bush has stood his ground, refusing to federally fund the creation of new stem cell lines, a stance he renewed during the State of the Union Address last month. He pledged to work with Congress to ensure that human embryos are not created for experimentation or grown for body parts.

Four years ago, he limited federal research funding to the 78 stem cell lines already in existence. The lines are populations of cells extracted from embryonic stem cells that can be replicated for long periods outside the body. Of the 78 lines eligible for federal dollars, the National Institutes of Health registry notes that only 22 have been deemed suitable for U.S. researchers. By limiting

federal funding to these lines, the federal government created a vacuum for embryonic research that states are seeking to fill.

In November, California voters approved stem cell research in Proposition 71, a ballot initiative that authorized \$3 billion in borrowing. It will fund a decade's worth of embryonic stem cell research grants. That move has spurred officials in other states, including the governors of New Jersey and Wisconsin, who announced their own initiatives to fund state research institutes.

"If other states don't take action, that ultimately means that California, in this country, will be dictating the pace and direction in a field that will revolutionize the way we practice medicine," says Dr. John Kessler, chairman of neurology at Northwestern University Medical School in Chicago.

Mary McAsey, director of the obstetrics and gynecology research department at Southern Illinois University Medical School in Springfield, says California's sizable investment in stem cell research will draw researchers and biotechnology companies to the West Coast. "Investigators have to go where the money is."

The question is whether Illinois can — or would be willing to — come up with the cash. Comptroller Hynes wants voters to help decide. His initiative would put a \$1 billion state bond referendum on the November 2006 ballot.

"I think that an issue of this magnitude should be put to a vote by the people of Illinois and should be debated across Illinois, and a referendum is a perfect vehicle for doing that," Hynes says.

It also might lower the legislative hurdle. Authorizing state debt requires either approval by a three-fifths vote in the General Assembly or a majority of lawmakers and the voting public. "The latter course is the one we've chosen because I think it's more achievable and also because I think it's important to bring this issue to the people," Hynes says.

His plan would create the Illinois Regenerative Medicine Institute, a body similar to California's stem cell institute. Over 10 years, the Illinois institute would dole out \$100 million annually under the plan, with private researchers required to put up \$20 million a year in matching funds. It's unclear how much

impact the measure could have on the state economy, but Hynes' staff points to California, where that state's stem cell initiative is expected to create anywhere from 5,000 to 22,000 jobs a year.

A new 6 percent levy on face lifts, Botox injections and other elective cosmetic surgeries would fund the \$15 million start-up cost for Hynes' proposed institute, and he estimates the new service tax would repay the bond debt over 25 years. The proposal would require the governor's signature as well, but for now Hynes is focused on winning legislative support.

"It's really a matter of getting the people who have a stake on this issue to speak out and to reach out to these key legislators to try to get us to the margin of victory that we need," he says.

That could be tricky. As the lead sponsor of legislation to simply endorse stem cell research, state Sen. Jeffrey Schoenberg pulled out all the stops last year. The Evanston Democrat enlisted the help of abortion opponent U.S. Sen. Orrin Hatch from Utah and Chicago Cub great Ron Santo, who wrote personal notes urging anti-abortion senators to support the bill. The measure was even renamed the "Ronald Reagan Biomedical Research Act" after the recently deceased former president who had Alzheimer's disease.

"I think adding President Reagan's name was a catchy way to say, 'Yes, Republicans are in favor of this,'" says Sen. Todd Sieben, the Geneseo Republican whose northwest Illinois district includes Dixon, Reagan's boyhood home. Sieben fumed last fall as the newly renamed bill was brought before committee. He suggested the legislation be renamed after Nancy Reagan, a stem cell proponent, and not her staunchly anti-abortion husband. The somewhat heated exchange was a prelude to the measure's failure in the full Senate.

"The narrow defeat in the veto session was initially heartbreaking," Sen. Schoenberg says. "But it also provided everyone with the chance to confront this critical issue and understand it better."

House Minority Leader Tom Cross watched in frustration as the Senate Executive Committee debated the stem cell measure last fall. The Oswego Republican's 11-year-old daughter, Reynolds, suffers from juvenile diabetes,

a lifelong disease for which stem cells may hold the cure. Cross plans to sponsor the Hynes proposal in the House.

"I think this is an issue [that] the longer it's out there, the greater its chances of success," he says.

While last fall's defeat was difficult, stem cell supporters did win over one lawmaker. Sen. Kirk Dillard, a Hinsdale Republican, voted against the Schoenberg measure in May, but switched his vote after speaking with a local family practice physician and a neighbor whose 4-year-old son has juvenile diabetes. Another colleague, Sen. James Meeks, a Chicago Independent and pastor of Salem Baptist Church, helped Dillard make peace with his anti-abortion beliefs.

"He counseled me to remember that these embryos would be destroyed anyway, and perhaps it's better to put them to use to improve mankind," Dillard says. "My original reasoning would be that these embryos are, in fact, a human life, and I always vote to preserve human life. Here, I don't have a way to preserve it, so I would rather use these embryos for the betterment of mankind."

Still, a Cook County judge last month gave unprecedented legal credence to the notion that an unimplanted embryo — such as those used in stem cell research — can be considered a human being. The decision came after a fertilization clinic accidentally destroyed the frozen embryos of a Chicago couple, but the ruling could impact the debate over stem cell research.

Others point to a slippery slope leading to human cloning, though Schoenberg specifically included language to ban the practice in the measure he presented last fall. And opposition by some in the religious community will undoubtedly keep a few lawmakers from supporting stem cell legislation.

"I'll continue to be a 'no' on stem cell research because of my district," says Sen. James DeLeo, a Chicago Democrat, who, like many of his constituents, supports the position of the Catholic Church.

Sieben, who believes the focus should remain on adult stem cells, questions whether the state should inject its checkbook into the debate on embryonic research. "Part of the question here is the use of public dollars because a significant portion of people in this state do not support the destruction of human life," he says.

Of course, Hynes' proposal ultimately would require support from a majority of voters. But would a majority of legislators first sign off on embryonic research?

The scenario was much less tenuous in 2003, when Illinois lawmakers overwhelmingly supported legislation that requires hospitals to ask pregnant women to consider donating their umbilical cord blood. The adult stem

embryonic stem cells.

At the same time, advocates say Illinois should take up the debate before it's too late. Kessler, the Northwestern cell biologist, says federal funding restrictions and California's head start could make it difficult for Illinois researchers to compete.

"I think we are well-positioned to be able to make contributions to this field if the playing field is a reasonably level playing field for our research," Kessler says. "Right now, it is not a level playing field."

Mary J.C. Hendrix, president and scientific director of the Children's Memorial Research Center in Chicago, also says the state should officially accept the science. "If Illinois could publicly embrace the performance of

stem cell research, it would be easier to recruit and train researchers in this new field," Hendrix says. "The opportunities for economic investment are an important consideration as well."

But if Illinois waits, it could miss out on opportunities to recruit the best minds in the field, says Dr. Janet Rowley, a University of Chicago professor of medicine and of molecular genetics and cell biology.

"They [stem cell experiments] are very complicated. They require the most creative, innovative scientists we have," she says. "If we sit back and do nothing, and wait to decide five years from now [that] we're going to get into this, that's an extraordinarily short-sighted point of view."

As a member of the President's Council on Bioethics, Rowley already has seen the debate drag on. "It's really a civilized discussion between people of very differing opinions," she says, "but I don't know that anyone has changed their point of view about the fundamental ethical issues based on the discussion."

At the national level, Bush has effectively closed that debate for four more years. So, in Illinois, lawmakers must wrestle with it before reaching for the state's checkbook. □



cells collected from the cord blood are now banked and can be used in bone marrow transplants or for research. Peoria Republican Rep. David Leitch says his colleagues were eager to make Illinois the first state to approve such a measure. Still, he says, it's too early for him to say whether he can support Hynes' embryonic stem cell proposal, underscoring the ethical dilemma it presents to each legislator.

Even the medical community does not present a unified front on this controversial subject. Dr. Gregory Brewer, professor of medical microbiology, immunology, and cell biology and neurology at Southern Illinois University School of Medicine in Springfield, associates "almost unlimited" opportunities with adult stem cells, but questions the ethics of using



# Gift of life

Illinois is set to consider a measure giving the deceased final say in organ donation, but the national debate centers more on the ethics of compensating donors

by Pat Guinane

*Photograph by Patrick Pfister, courtesy of the University of Louisville*



*A transplant team at Jewish Hospital in Louisville, Ky., readies an arm for surgical replacement.*

One cannot shop for the gift of life. In fact, buying and selling organs is a federal crime. But with vital organs such as hearts, livers and kidneys in short supply, it's becoming more common for the seriously ill to advertise their individual plight. They're not skirting the law. But by directly soliciting donors, they

are circumventing the national organ allocation system and drawing attention to a supply-side problem that stirs up a host of controversial proposals.

Illinois is set to consider a relatively small change in its organ donation law that could save up to 100 more lives a year. But by adopting a system where the deceased

has the final say in organ donation, this state merely would be accepting what is already in place in 42 other states.

The national debate focuses more on the ethics of compensating donors to increase the organ supply. Last year, 5,551 people nationwide died while waiting for transplants and another



Surgeons examine X-rays of a donor hand and the arm of its recipient as they prepare to operate.

1,450 were dropped from the waiting list when they became too sick to undergo an operation. As a result, the American Medical Association, among others, has endorsed trial studies to gauge the impact of reimbursing organ donors.

Congress banned the practice in 1984, responding to tales of opportunistic individuals such as H. Barry Jacobs. A year earlier, the Virginia physician founded International Kidney Exchange, which, for a fee of up to \$5,000, offered to acquire the kidneys of financially needy individuals, including some who live in developing nations.

Just two years ago, a British man briefly offered one of his kidneys on eBay, but the online auction site said the posting contravened a company policy that prohibits listing “humans, the human body or human body parts.” It was not the first time the company removed such a listing. In 1999, a kidney drew bids of more than \$5.7 million before eBay shut down the auction.

Still, the national organ shortage has given rise to other avenues, including *MatchingDonors.com*. For \$295 a month, needy patients post their stories in the hopes of attracting altruistic strangers willing to part with a kidney or a section of liver.

Last October, Robert Smitty of Chattanooga, Tenn., made headlines when he headed to Denver, where he gave a kidney to a man he met through *MatchingDonors.com*. Upon returning to his home state, Smitty was arrested for owing more than \$8,000 in back child support. The *Rocky Mountain News* in Denver also reported that Smitty was convicted of dealing drugs in the 1990s and had spent time in a prison boot camp. He received \$5,000 in compensation for expenses incurred by the donation, and some questioned whether there had been a tacit agreement for additional cash.

“He had a long history of scamming and ripping people off,” says Arthur Caplan, a University of Pennsylvania bioethicist. “This wasn’t somebody who woke up one day and said, ‘I’m going to be a good person and help my fellow man.’”

Spurious philanthropists such as Smitty have many observers, including Caplan, questioning whether illegal organ sales are occurring under the guise of extraordinary generosity. Last year, 80 healthy people gave organs to complete strangers. The first anonymous exchange didn’t occur until 1998, 44 years after organ donation began with a successful kidney transplant between identical twins.

Last summer, Todd Krampitz, a 32-year-old Houston man posted his plea for a liver on billboards and the Web. It worked. Krampitz got a liver last August, and his Web site ([www.Toddneedsaliver.com](http://www.Toddneedsaliver.com)) now gives updates on Todd and his new organ.

Donors, both living and deceased, can direct organs to whomever they want. But bioethicists, the medical community and organ donation officials generally agree that direct donations should be limited to loved ones or close friends. Otherwise, the most needy patients get skipped over in favor of what Caplan calls more “mediagenic” candidates.

“There were people, in the case of Krampitz, who had much greater need than he did,” Caplan says. “He basically pushed them off the lifeboat and got in.”

The problem is that the lifeboat is well past capacity. In early February, the national transplant waiting list contained more than 87,000 names, a fourfold increase from 1988.

While each donor can contribute multiple organs, the United States has only about 6,000 deceased donors each year. That’s because less than 2 percent of the population experiences brain death while on a ventilator, typically the only scenario when a cadaveric donation is an





*Dr. Warren Breidenback prepares a donor hand for transplantation at Jewish Hospital.*

option. On a positive note, the number of living donors has quadrupled since 1988, even outpacing the number of deceased donors in recent years.

Unfortunately, demand still exceeds supply. Each day, about 18 people die while awaiting a transplant. They're replaced by another 110 daily additions to the waiting list — one every 13 minutes.

David Kaserman spent four years on the list, having twice received a donor kidney. "That was unquestionably the catalyst that pushed me to do work in this area," says the Auburn University economics professor who in 2002 co-authored *The U.S. Organ Procurement System: A Prescription for Reform*. The book makes a case for offering financial incentives to living donors and the families of deceased donors in the hope of boosting the national organ supply.

The suggestion of plying living donors with cash payments has been maligned by many in the scientific and medical community who argue such a setup would prey on the poor and the debt ridden, including indigent immigrants willing to sacrifice the prospect of long life for quick cash.

At the same time, such a system could create a scenario where donors seek out the highest bidder, meaning an organ

would not necessarily go to the person with the greatest need. Kaserman now focuses on deceased donors. "You use the market to increase the number of organs supplied, but you don't need to use the market to allocate them," he says. "That can be done exactly the same way it's done today — on the basis of need and [genetic] match and so on. The only difference is we'd have more to go around."

A payment of \$1,000 to \$5,000, Kaserman says, would clear the market. Survivors could use the money for funeral arrangements or even allocate it to their favorite charities. Kaserman suggests the government would eventually save \$50,000 for every kidney recipient who no longer would need dialysis treatments. Such a system, he says, would eliminate the shortages for hearts and livers within about five years. Kidneys account for roughly two-thirds of the organ waiting list, so Kaserman says clearing that backlog might take a decade.

Of course, it also would take an act of Congress. Buying and selling organs are felonies punishable by up to five years in prison and a \$50,000 fine under the National Organ Transplant Act of 1984.

Caplan, the bioethicist, is perhaps among the most vocal critics of donor

payments. Paying living donors, he argues, would violate the medical ethos of "do no harm." Beyond that, this country may simply be too wealthy. Caplan says it would probably take around \$250,000 to convince even the poorest Americans to donate a kidney or a piece of liver. Compensating deceased donors creates another set of concerns.

"For cadaver donations, when people don't donate it's often for aesthetic, religious reasons or fear. They worry that if they sign a card and say, 'Take my organs when I die,' literally, they may not get aggressive medical treatment," Caplan says. "That may sound difficult to believe but it's a fear many people have. The poorer you get, the more that fear tends to be there. So if you tell somebody, not only do we want you to carry a [donor] card, but we're going to pay a lot of money for your organs when you're dead, you're not solving that fear, you're making it worse. You're putting a bounty on them, basically."

Fear from the living could be one stumbling block. Disgust on behalf of the deceased is another.

"Donor families I've spoken with and worked with are very much against receiving money for their donation.

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***With more than 6 million names, the Illinois organ and tissue donor registry is the largest in the country. But it is essentially useless if the next of kin says no. That happens about 40 percent of the time.***

It offends them,” says Deborah Surlas, who chairs the patient affairs committee of the United Network for Organ Sharing, the nonprofit organization that administers the national Organ Procurement and Transplantation Network.

Surlas, an Aurora nurse, received a pancreas and kidney from a deceased donor in 1993. She works with a number of patient support groups and served on the federal Health and Human Services Advisory Committee on Organ Transplantation.

“Strict payment because you donated organs I don’t think is a good idea,” Surlas says. “But if it’s something to help defray burial expense, most donor families have said that is something that should be discussed after the donation, so you’re not coercing someone into donating because they’re going to get some funeral money. If we went to first-person consent, that would solve a lot of those problems.”

A special legislative task force has recommended that Illinois move to first-person or primary consent. Currently, the final decision in organ donation rests with the next of kin and not the state’s organ donor registry.

With more than 6 million names, the Illinois organ and tissue donor registry is the largest in the country. But it is essentially useless if the next of kin says no. That happens about 40 percent

of the time, according to Jerry Anderson, president and CEO of Gift of Hope Organ & Tissue Donor Network, the organization authorized to oversee organ donation for most of the state.

“If you have a driver’s license in Illinois that was properly signed and witnessed by two people, that could be a legal document,” Anderson says. “We basically never see that.”

Instead, Gift of Hope relies on a 24-hour hotline to check whether a person who has been declared brain dead is on the state’s nonbinding organ registry. If the person is on the list, Gift of Hope still must convince family members to honor the loved one’s wishes.

Illinoisans are asked to be organ donors when they obtain a driver’s license or a state I.D. card at secretary of state facilities. But Anderson says most people don’t realize that they’re not making a binding decision, which is why participants are encouraged to discuss their decision with friends and family.

Legislation the General Assembly could consider this spring would establish a new binding registry for motorists renewing their licenses, new drivers and I.D. card recipients who want to be organ donors. It would cost an estimated \$400,000 to set up and \$60,000 to maintain each year.

Most drivers must renew their licenses every four years, so the new list could take some time to grow. Even so, Anderson says the change should result in 30 additional donors per year. On average, each deceased donor contributes three or four organs. So changing the law could save another 100 lives each year.

Separate from the task force recommendation, one state legislator wants Illinois to follow Wisconsin’s lead and begin offering a \$10,000 income tax deduction to help compensate for expenses incurred by living donors. Rep. Shane Cultra, an Onarga Republican, says a multiple transplant recipient from his hometown came to him with the idea. Only two House members voted against the measure last year, but it never got a vote in Senate. The proposal would require an estimated \$100,000 in annual state revenue.

“It’s a good idea,” says Cultra who revived the legislation this year. “It really needs to be done. And it doesn’t cost a lot of money.”

Making Illinois a first-person consent state also is considered a low-cost solution to the organ shortage. But because the policy already is in place in all but eight states, the national debate has begun to focus on presumed consent, a philosophy that is foreign to the United States.

In some European countries, including Spain and France, citizens must explicitly request to be excluded from organ donation. Otherwise, anyone declared brain dead is considered eligible to become an organ donor. Studies suggest the move has increased organ donations in those countries.

“I, personally, don’t think we’re ready for it,” says Surlas, who consults with donor families and transplant recipients. “I think we value our rights and our freedoms in this country so much that to be told that we will be organ donors — I don’t think this country as a whole would accept that.”

Bioethicist Caplan says he has been studying a less invasive approach.

“Instead of trying to pass a law, you can also try to approach families from a less presumptive to a more presumptive spin,” he says. “Let’s say I call you up and say, ‘You know, you went to Southern Illinois University and you love that place. And I know you’ve got a lot of other things that you need to give money to and a lot of tuition bills, but have you ever thought about giving any money to the old Salukis?’”

“Or, I can call you up and say, ‘Look, you went to Southern Illinois, you love that place, how much can I put you down for? One thousand? Or two thousand?’”

“Now that’s presumptive.”

The approach is certainly nothing new to marketing professionals, and Caplan says preliminary data from tests done in five states indicate such a change can attract more donors.

“We can get the same rates that they see in Europe without changing the law, just by changing the approach,” he says. “So I think that’s an interesting way to go.”

It’s also the case that simple, inexpensive solutions, such as making Illinois a first-person consent state, might spare policymakers from having to wrestle with more complex, controversial proposals such as soliciting organ donors. □



# BRAIN GAIN

*Unlike abortion or euthanasia or cloning, the issues posed by neuroscience are not usually seen as matters of life or death. Instead, the relentless search for excellence is a search for advantage*

by James Krohe Jr.

Image copyright, The Discovery Science Center



Microchips that decode brain signals and allow paralyzed persons to move artificial limbs with their own thoughts. Electrodes planted in the brain's visual cortex that allow the blind to "see" or that regulate errant nerve impulses like pacemakers for the brain. New drugs that boost transmission between brain cells, chemically goose neurons or help keep nerve synapses limber enough so that a 70-year-old will be able to remember things as well as a 20-year-old — even things he has tried to forget. Machines that test children's brain functions as their hearing is tested today, meaning kids with less than optimum capacity for, oh, math reasoning

can be identified early enough that parents can arrange special lessons to compensate.

It is not hard to imagine, either, a future in which sentences for wrongdoers consist of prescriptions rather than prison. And while there are no reports yet of drugs that will enhance the wisdom or the courage of the General Assembly, even that may be possible in time.

Each of these wonders is the rapidly ripening fruit of research in the field of neuroscience. Unlike abortion or euthanasia or cloning, the issues posed by neuroscience are not usually seen as matters of life or death, and thus have been crowded to the back of the public

platform. But any technology that changes the way the brain works threatens — or promises — to change the personality of its owner, promises — or threatens — to alter lives even if it doesn't alter life. The brain is the center of human personality, the fount of identity. Getting a personality out of a bottle poses Profound Questions Regarding the Authentic Human Personality vs. The Invented Self.

Questions, by the way, that most Americans have already answered for themselves. The use of chemicals to alter moods or behavior is considered different only in degree from cosmetics or plastic surgery. Psychotropic drugs are gobbled not only to make the sick well, or even



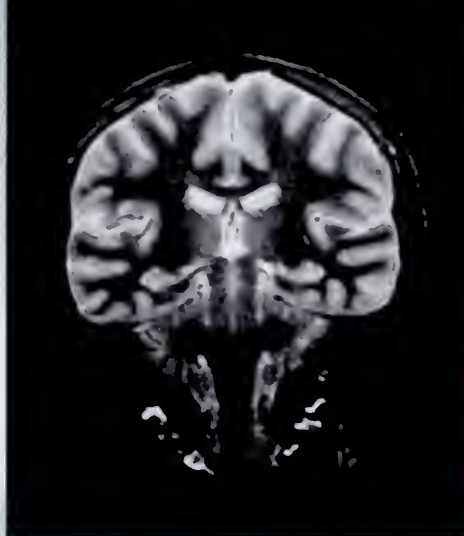
to make the marginally dysfunctional productive, but to make the unhappy happy. So popular these days is the use of brain-altering drugs that pharmacists in posh parts of Illinois play roles in lives once played by family priests. Already, millions of Americans fine-tune their personalities through the use of such brain-altering drugs as Prozac, which boost self-esteem by boosting levels of serotonin in the brain. Given a choice, uncounted Illinoisans who used to feel unnaturally unhappy, considering their situation, have opted to feel unnaturally happy.

Whether the medicated self is unnatural or moral or wise is a question that we can leave to the ministers, therapists and sages among us. Whether the medicated society is an unfair one is a question that will likely be forced upon our lawmakers. Consider Ritalin, or methylphenidate. Chemically kin to amphetamines, Ritalin has a perversely calming effect on children with attention deficit disorders, and can be a godsend for the 4 percent to 6 percent of Americans of all ages who are thought to suffer from such conditions.

But kids who need it make up only a fraction of the kids who are taking it. Lazy parents and harried schoolteachers want it in order to quiet kids who exhibit problematic behavior of all kinds, though Ritalin has been placed by the U.S. Drug Enforcement Agency in the same category as cocaine and other drugs that pose significant risk of abuse. Such kids continue to function normally, if no longer naturally.

In addition to zombie-izing the problem child — that is, the child who is a problem, not the child who has a problem — Ritalin (it is widely believed) can make “normal” kids super-attentive, enhancing their ability to study or take tests. The promise of what amounts to steroids for the academic athlete was not one that achievement-minded parents were ever likely to pass up, and parents anxious that their life’s joy might otherwise suffer what they imagine to be the shame of a degree from a state university connive to get prescriptions for that purpose.

A top test score achieved with pharmaceutical aid is like a touched-up photograph because it gives a misleading portrait of the skills the test is intended to assess. To that extent, the use of “smart pills” is a fraud perpetrated on the school. But is unnatural



competence not also an injury to the integrity of the process by which our society assigns people their futures?

The dilemma has been made almost comically clear in China. There, ambitious young women routinely undergo plastic surgery to win beauty contests. In Westernizing Asia, the natural is increasingly at odds with the new “normal,” and surgery is resorted to to make Chinese eyes rounder. Complaints about the resulting unnaturalness may seem a bit fussy in competitions in which push-up bras, machine tans and makeup are the tools of the trade, but the fairness of cosmetic surgery by contestants has forced the Chinese to stage separate pageants for what they call “artificial beauties.”

Will artificial geniuses force us into separate college admissions, even separate college systems? If some students use stimulants to do better on tests, is this cheating? Is it an unfair advantage? Is any advantage fair? If not, why draw the line at drugs used to achieve it? What about quiet rooms at home filled with books and CD-ROMs and computers with Internet access? What about tutors and test coaches, indeed the whole arsenal of achievement deployed by the success-conscious middle class to ensure that their favorite tax deductions start every race in pole position?

Of course, simply being born to educated parents of the middle class is a hugely more reliable advantage in taking tests than a pharmaceutically focused mind. The state of Illinois has for decades intervened in various ways to reduce the unnatural advantages that condemn some young people to poor educations and their consequences. Food in the form of free breakfasts is a smart pill too, and government policy officially (if often half-heartedly) endorses

this manipulation of child brain chemistry to achieve academic results.

Ultimately, the rationale for such programs is to prevent kids from becoming social liabilities. The rationale also justifies the state’s many programs outside the schools, from infant formula to prenatal care. Such programs are cumbersome, expensive and don’t usually work well. If one could get similar results by directly manipulating the brain, why not use it?

And if neurotechnology advances the state’s ambitions for its children, why not a sort of Head Start program for grown-ups? If juice for the kid at breakfast to help her do well on that spelling test is a legitimate expense for government, why not a pill for a welfare client to improve his chances in that important job interview? And one to keep that job by helping him focus? Pills to soothe the criminal impulse, and thus reduce burdens on courts and jails? To make safer drivers? To boost Illinois’ ability to compete in the great economic battles with other states, regions and nations?

It will happen whether Springfield endorses it or not. It is only a matter of time before, say, memory-enhancing drugs developed for Alzheimer’s patients begin to be used by adults to help them memorize those sale figures for the big meeting next week. The middle class will do whatever it needs to get ahead — that’s a big reason why it is ahead.

The relentless search for excellence is, in fact, a search for advantage. Introducing new weapons to the battle for the social and economic high ground will change the way it’s fought, but it won’t stop the fighting. If anything, neuroscience will level the field; smart pills are likely to be cheaper than SAT coaches and thus make intelligence affordable, just as bliss, which used to take years on the couch at hourly rates that would make a plumber blush, can now be achieved by pills that cost less per week than coffee-break snacks.

Meanwhile, we can console ourselves with the reflection that a society in which the rich get not only more, but more of more, is, on the historical evidence, the most natural one in the world. Neuroscience will ensure that it stays that way. □

*James Krohe Jr., a veteran commentator on Illinois public issues, is a frequent contributor to this magazine. He is writing a guide to the state’s history and culture for the Illinois Humanities Council.*



# Proving ground

There are more women serving in the Illinois legislature. Many of them got their start in local government

by Theresa Grimaldi Olsen

Palatine Mayor Rita Mullins thought she had a good shot at becoming a state lawmaker. In 1998, Peter Fitzgerald was going to Congress and Mullins looked to be a natural choice as his replacement in the Illinois Senate.

"Everything was fine," Mullins says. "I was expected to get the appointment." Then locals started to get phone calls. "Appoint anyone but that liberal Mullins woman," she says her local Republican colleagues were told.

Local Republicans appointed Wendell Jones, who had been mayor of Palatine in the mid-1970s. Mullins says that was ironic because she had beaten Jones 3-to-1 in the race for the mayor's job in 1993.

"She was just shut out because she was female," says Judy Baar Topinka, the state treasurer who recently stepped down as chairman of the Illinois Republican Party. "Her appointment to the state Senate was not acceptable because she was female."

Despite this attitude, more women are winning legislative and statewide offices than at anytime in Illinois history. Women hold 28.2 percent of the seats in the Illinois legislature — 14 of the 59 seats in the Senate and 36 of the 118 seats in the House. And many of those women got their start in local government.

"We are breaking the good ole boy system," Topinka says. "Municipal government is a great proving ground."

In fact, Topinka encourages women to become involved in municipal government as a way to learn the political system —

*Photograph courtesy of Save a Life Foundation*



*Arlington Heights Mayor Arlene Mulder (left) and Palatine Mayor Rita Mullins appear at the announcement of an agreement between the Save A Life Foundation and FEMA.*

though she says she ran into the same trouble as Mullins. "I wanted to be the township trustee in Riverside," she says. She was 33 and anxious to get involved in government. "I was very disappointed that I was not needed. I was young and female. They had no intent on having a woman."

She says she then tried to get an appointment to a vacancy in the House representing Cicero, Riverside, Berwyn and Proviso townships. Several township leaders blocked it, she says. "They told me to take my feminine anatomical structure home and bake a cake."

Nevertheless, the door opened for Topinka in 1979. She says she decided she was going to run and let the voters decide. "Some of it is timing," she says, noting that she ran in the last Illinois election in which voters were allowed to cast ballots for more

than one candidate per legislative district. "Some of it is luck, hard work, perseverance and determination." Topinka served four years in the House and 10 years in the Senate before being elected state treasurer in 1994.

But many women legislators started in local government first. Sen. Pamela Althoff, a Crystal Lake Republican, was McHenry mayor. Rep. Patti Bellock, a Republican from Westmont, was elected to the DuPage County Board. Rep. Lisa Dugan, a Democrat, is a former Bradley trustee. Democratic Rep. Naomi Jakobsson of Urbana was Champaign County recorder for 12 years. Rep. Carolyn Krause, a Republican, was mayor of Mt. Prospect. Democratic Rep. Karen May of Highland Park served on the Highland Park City Council. And Rep. Kathleen Ryg, a Vernon Hills Democrat, was chief deputy recorder of deeds for Lake County and a village trustee in Vernon Hills.

Yet Topinka, who has made it to statewide positions in the Republican Party and in government, is blunt about the difficulties women face in breaking into a culture that has been dominated by men. "You have to deal with the power structure," Topinka says. "Machiavellian power is never shared. It is taken. We often are told: 'It isn't your time yet.' The problem is your time never comes."

Loretta Durbin, a lobbyist who is married to Democratic U.S. Sen. Richard Durbin, says, "Politics still is male dominated, but that is changing." Durbin

played a role as a founder of the Illinois Women's Institute for Leadership after the 2000 Democratic National Convention. She is president of the institute, which trains Democratic women to become effective leaders in government and politics.

Durbin says she sees younger generations of women who are much more willing to get involved in politics. "There are many more women lawyers who are starting to branch out into areas that were traditionally male professions. It makes a difference. I'm hoping to see enough women in politics that politics will be a career like being a lawyer. Mom is a lawyer. Mom is a politician. It is an option to be a politician like any other profession."

As of September 2004, the Democrat's institute had trained 37 women. Durbin says many of those women have potential to run for a seat for the state legislature or a statewide office.

The Republican training ground for women is the Illinois Lincoln Excellence in Public Service Series. Since 1995, the Lincoln series has awarded about 150 fellowships. Fellows pledge to seek a policymaking position in government or in the Republican Party within five years and to help other women achieve similar positions. Former Lt. Gov. Corinne Wood was a graduate of the series.

But for some women, such as Illinois Attorney General Lisa Madigan, family has provided a political training ground. Madigan, daughter of state Democratic Party chairman and House Speaker Michael Madigan, began her political career with a successful run for a state Senate seat. Rather than running for re-election, she made the bid for her current post, joining Topinka as one of two female statewide executives in Illinois.

Sheila Simon, whose training for a political career began the day she was born, is an obvious potential candidate for the state legislature, says former state Comptroller Dawn Clark Netsch. Simon's father, Paul, a former U.S. senator who died in December 2003, was a state representative when Sheila was born 43 years ago. Her mother, the late Jeanne Hurley Simon, also had been a state

## Women in the Illinois legislature

Year	Senate	House	Total	Percentage
<b>2005</b>	<b>14 of 59</b>	<b>36 of 118</b>	<b>50 of 177</b>	<b>28.2</b>
<b>2000</b>	<b>12 of 59</b>	<b>32 of 118</b>	<b>44 of 177</b>	<b>24.9</b>
<b>1990</b>	<b>12 of 59</b>	<b>21 of 118</b>	<b>33 of 177</b>	<b>18.6</b>
<b>1985</b>	<b>10 of 59</b>	<b>20 of 118</b>	<b>30 of 177</b>	<b>16.9</b>

SOURCE: *Center for American Women and Politics, Eagleton Institute of Politics Rutgers, The State University of New Jersey*

representative.

Sheila Simon, who is serving a four-year term as alderman in Carbondale, ran for her first elective office in 2003. It is not likely to be the last campaign for the law instructor. "She has most of the important qualities for being a good public servant," says Netsch, who also is a former lawmaker and was a close friend of Paul and Jeanne Simon.

Durbin agrees. "She's smart. She's honest. She knows government, and she has lived the life. She obviously loves it." Simon also has experience raising money and campaigning for her father.

She isn't the only Democratic woman Durbin believes shows great promise as a legislative candidate. As an example, she points to 2003 training program participant Amy Stockwell, who was re-elected to a four-year term as Macon County auditor in November. Stockwell has served as auditor since May 2002 when she was appointed to the position. She was elected to a two-year term in November 2002.

"She came to the county when they were having a difficult time with the budget," says Durbin. "She's done a good job of managing it and getting the budget balanced. She is extremely highly educated."

Stockwell has a master's degree in business administration from the Wharton School at the University of Pennsylvania with concentrations in accounting and business strategy. She has a bachelor's in economics and urban studies from Ohio Wesleyan University. Among other jobs, Stockwell has worked as director of marketing for A.E. Staley Manufacturing Co., and was a city planner for the regional planning commission in Philadelphia, Pa., and for the city of Oakland, Calif.

As for Republicans, some political observers say Palatine Mayor Rita Mullins and Arlington Heights Mayor Arlene Mulder are long overdue for a move to the

state-level political arena.

Mulder, who is running unopposed in April for her fourth term as Arlington Heights mayor, says of public service, "I love it. I work hard." The former high school biology and physical education teacher was elected to the village board in 1991 and elected

mayor in 1993. She also served for 12 years on the park district board.

Mullins, who was considered for the appointment to the Illinois Senate, ran unsuccessfully for state representative in 1992. Elected the first female mayor of Palatine in 1989, Mullins has been re-elected to that post four times and is running for a fifth term. She serves on the executive boards of the U.S. Conference of Mayors, the National League of Cities, Illinois Women in Government and the Northwest Municipal Conference. Mullins also has traveled to Thailand, Taiwan, Turkey, France, Italy and Germany to speak about governmental issues affecting municipalities.

But even experienced women face challenges when they decide to seek public office. Raising money, for instance. Durbin says, "Sometimes it is difficult for women to sell themselves and ask people for money for themselves. Raising money is tough."

Women may also have trouble dealing with criticism. "Women need to learn to take criticism and not internalize comments," Durbin says. "It is the culture, the way we were brought up."

Alice Phillips, a lobbyist partner with Durbin who was instrumental in founding the Republican training series, says women often battle personal fears on the political career path. "Women always think they have to be qualified," Phillips says. "Men are just so full-steam ahead. They don't think about it."

Mullins, the Palatine mayor, agrees. She says many times she has asked a woman to consider an appointment for a board or commission and the woman will question whether she can give the job enough time. "If you ask a man, the immediate answer is 'yes,'" she says.

Topinka says time is a factor for women because they often have more responsibilities. "They juggle multiple



things at one time and keep them all moving forward."

Finding a balance for family life is the reason Sheila Simon says she probably won't run for the state legislature for several years. She says she wants to be there to help her daughters Brennan, 10, and Reilly, 15, with homework. "I've been asked to run for other offices previously, but they would all take me far away

from home."

Simon, Stockwell, Mulder and Mullins say they are dedicated to public service in Illinois, but they aren't waiting in the wings for a state post. They are committed to their elected positions in municipal government.

"I've learned to never say never," says Mullins. "But at this point, I've come to the conclusion that I'm most effective in

influencing change for the community by being mayor. I can go to Springfield to lobby for issues that are good for the community and I can go to Washington, D.C. I can effect change easier this way. I am enjoying being mayor." □

*Theresa Grimaldi Olsen is a Springfield-based free-lance writer.*

## Politics is a family legacy for some women

Sheila Simon says she can't imagine a life without public service. It's her birthright as the daughter of the late U.S. Sen. Paul Simon and the late state lawmaker Jeanne Hurley Simon.

"She's got a legacy and inspiration from her parents," says former Illinois Comptroller Dawn Clark Netsch.

The Simons were both state representatives when they married. Paul Simon moved on to the Illinois Senate, was elected lieutenant governor of Illinois and served 12 years in the U.S. Senate. He died in December 2003. Jeanne, who died three years before her husband, served two terms as a north suburban state representative before she married Paul.

"This is just the family thing for us," Simon says of politics. "It's been the family experience."

Simon was elected to her first seat on the Carbondale City Council six months before her father died. "Dad was with us on election night," Simon says. "He usually is pretty patient, but he just couldn't stand to not get results on my election."

Before the election, she says, her father typed up a list of practical tips, including ways to convince others how easy it is to have a coffee fundraiser. One afternoon, he spent several hours folding and stuffing envelopes for her campaign. "He had total enthusiasm for the effort."

As a child, Simon says, she had wonderful first-hand opportunities to learn about government and politics. She was a junior high student, not long after Watergate, when she attended a party with her family in Washington, D.C. She and her brother, Martin, met George McGovern in the kitchen; he answered questions and explained Watergate.

There were some negatives, too. One time while campaigning for her father, she handed a man some literature and asked him to vote for her father. The man retorted: "Your father supports abortion. He should be killed."

She says she learned a lot about campaigning from her parents. "In some ways, Mom was a better campaigner," she says. "Dad would remember names forever. Mom would remember connections."

Simon, who teaches family law at Southern Illinois University at Carbondale, met her husband, Perry Knop, at a rally for Adlai Stevenson. Knop teaches American government and other classes at a community college.

As an alderman in Carbondale, Simon has been involved in

*Photograph by David Katz, courtesy of Obama for Illinois*



*Sheila Simon announces her support for Barack Obama in his bid for a U.S. Senate seat.*

discussions limiting the amount of damages for medical malpractice in Carbondale, merging the city of Carbondale with the park district and making Carbondale a better place for bike riding. Her arguments don't always win, but she enjoys the discussion, she says: "I enjoy the role of presenting the other side."

Simon says she feels responsibility because of the legacy left by her political parents. "It definitely does put some pressure on me," she says. "It's something I weigh. I think there are some things I should do. I ought to do."

But she also weighs her responsibilities to her family, which includes two girls, Brennan, 10, and Reilly, 15. Simon says her desire to spend more time with her children is partly a reaction to how much time her father was away from home while she was growing up.

"He was a bundle of energy," Simon says of her father. "For example, he never read fiction. His idea of a good time on a Sunday afternoon in the football season would be to watch a football game and dictate letters between plays. I enjoy fiction. I enjoy bike rides when I can get them."

She also enjoys and writes music. She plays banjo, bassoon and slide whistle and sings with a group called Loose Gravel that performs once a month and practices every Sunday afternoon. And she enjoys being available to help her girls with algebra and geometry.

Simon jokes that if the state capital were moved back to Vandalia, she would run for the legislature in a heartbeat. For now, though, she is focused on issues close to home.

*Theresa Grimaldi Olsen*





Gov. Rod Blagojevich

## Report card

Gov. Rod Blagojevich got near-failing grades in a midterm assessment by the Illinois Environmental Council.

The advocacy group handed out grades in the areas of water, air and energy, transportation, and conservation and natural resources. The governor got a B, D+, D+ and D, respectively. In the subcategory for cleanup of old, dirty coal plants, the environmental council gave him an F.

The group noted that the state has 24 coal-burning plants that collectively produce Illinois' biggest source of air pollution. That pollution is linked to 1,300 premature deaths and 33,000 asthma attacks in Illinois, the group contends. The plants also cause mercury pollution in water, according to the council. The governor last year failed to seek new pollution standards for the plants.

## Quotable

“There is a sense among some of us that we need to step back and really measure the language we are using.”

*Illinois Democratic U.S. Sen. Richard Durbin as quoted in The Christian Science Monitor. Durbin said that because the November election seemed to pique interest in “values-related issues,” his party is rethinking the way it will argue in Congress for continued abortion rights. The article appeared shortly after longtime abortion rights supporter U.S. Sen. Hillary Rodham Clinton, a Democrat from New York, told attendees of a family planning conference that there is “common ground” to be found in the abortion debate. According to The New York Times, Clinton described abortion as a “sad, even tragic choice to many, many women.”*

## Jacobs leaves the game

The father of riverboat gambling in Illinois is giving up his seat at the table.

State Sen. **Denny Jacobs**, the blunt-speaking East Moline Democrat credited with creating the state's original riverboat gaming law, announced his retirement early last month.

“You have to know when to hold ‘em and know when to fold ‘em and it is my time to fold ‘em,” Jacobs wrote in his resignation letter.

His son **Mike Jacobs**, a downstate liaison for the secretary of state's office, was appointed the following week to take his place. The vote by county chairmen around the Quad Cities was largely a formality. Denny had long planned to have his son supplant him, making for three generations of Jacobses in the Illinois General Assembly. Denny's father, Oral Jacobs, served five terms in the House during the 1960s and 1970s.

A consummate dealmaker and frequent critic of Gov. Rod Blagojevich, Denny Jacobs was asked what advice he would give his son.

“My dad told me to come down and be my own man,” he says. “And that's the advice I'll give him.”

Jacobs had served in the Senate since 1986. While he's best known for the lucrative 1990 law that created 10 riverboat casino licenses, Jacobs says he's most proud of legislation that helped bring 9-1-1 emergency telephone service to all of Illinois.



Denny Jacobs

## U of I prof to serve on Social Security panel

**Jeffrey Brown**, an assistant professor in the Department of Finance at the University of Illinois at Urbana-Champaign, was nominated by President George W. Bush to serve on the Social Security Advisory Board. The seven-member bipartisan board was created by Congress to advise the president, Congress and the Social Security commissioner on issues related to Social Security, a topic the president is pushing to the top of his domestic agenda.

Brown says the board will not formulate policy but will provide analysis and a knowledge base to educate the various players who will be making decisions. He is a member of a National Academy of Social Insurance panel that just released a study of federal retirement policy.

Prior to joining the U of I's College of Business in 2002, he was an assistant professor at Harvard University. He served as a senior economist with the White House Council of Economic Advisers where he focused on Social Security, pension reform and terrorism risk insurance. In 2001, he served on the staff of the President's Commission to Strengthen Social Security.

If confirmed by the U.S. Senate, his term will run to September 2008.

## HONORS

Six Illinoisans will receive the Order of Lincoln Medallion at an April ceremony.

The honorees, past or present Illinois residents who are recognized for outstanding achievement, will become Laureates of The Lincoln Academy of Illinois.

The 2005 laureates are retired Sears CEO **Edward Brennan**, Pulitzer Prize-winning *Washington Post* political correspondent **David Broder**, light-emitting diode (LED) inventor **Nick Holonyak Jr.**, food production science and technology expert **George Inglett**, Olympic track gold medalist **Jackie Joyner-Kersey** and founding Illinois Mathematics and Science Academy President **Stephanie Pace Marshall**.

Past Lincoln Academy honorees have included **Gwendolyn Brooks**, **Roger Ebert**, **Walter Payton**, **Ronald Reagan** and **Mike Royko**.

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>



Nomination criteria expanded  
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**Call for nominations:**

## CRITERIA:

Individuals eligible for nomination are **appointed officials** who must be:

- Heads of major departments or agencies, or chiefs of staff for elected officials, departments or agencies; and
- Employed by the State of Illinois, County of Cook, or City of Chicago.
- Current elected officials are not eligible.

**Nominees must be a current appointed official and:**

- Assembled a talented team that is helping implement a vision.
- Communicated effectively the mission and vision of the office, agency or department.
- Accomplished long-term or lasting benefits for the governmental operation.
- Been a role model to motivate and inspire others.

## TO NOMINATE CANDIDATES:

- To assist in identifying candidates, please consult a directory of eligible State of Illinois, County of Cook, or City of Chicago departments and agencies located at [www.norbic.org](http://www.norbic.org).
- Complete the form below and attach a separate sheet with a one- or two-page description of the nominee's achievements.
- Mail to: *Illinois Issues*, University of Illinois at Springfield, One University Plaza, MS HRB 10; Springfield, IL 62703-5407.
- Supporting evidence (such as newspaper articles) is also very helpful to the selection committee.

**Deadline for nominations is May 13, 2005** (copies of this form accepted).

**The awards luncheon is October 12th, 2005.**

## PAST MOTOROLA EXCELLENCE AWARD WINNERS

2004	Terry Peterson Chief Executive Officer, Chicago Housing Authority
2003	James Joyce, Commissioner, Chicago Fire Department
2002	Pam McDonough, Director, Illinois Department of Commerce & Community Affairs
2001	William Holland, Illinois Auditor General
2000	Mary Dempsey, Commissioner, Chicago Public Library & Audrey McCrimon, Assistant to the Secretary of the Ill. Department of Human Services
1999	Lois Weisberg, Commissioner, Chicago Department of Cultural Affairs

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## LETTERS

### CMS runs state like a business

In response to your article, "Public work, private gain" (see *Illinois Issues*, February, page 14), the Illinois Department of Central Management Services (CMS) thought your readers may be interested in hearing our side of the story, considering you conveniently opted to ignore it.

Within CMS' areas of responsibilities lies the infrastructure that allows state agencies to open their doors and serve the people of Illinois. When Gov. Blagojevich appointed me to lead CMS, my team and I found a department lost in its own bureaucracy.

Most agencies were doing their procurements independently and without coordination. In major categories, 95 percent of contracts were renewed at termination. We found agencies with hundreds of unused software licenses in inventory and other agencies going out for bid for the same licenses.

Annually, we spent more on our IT — \$665 million — than companies like Starbucks and Blockbuster. In property management, we didn't have an accurate handle of what we owned and leased, or agency space requirements.

Where was the outcry then from the same critics who are taking potshots now?

Today, we are running the business of government like a business. We've hired consultants to help us prioritize our efforts and train state employees to do their jobs better. We've saved hundreds of millions of dollars, money that didn't have to come out of taxpayer pockets.

We are headed in the right direction. Too bad you didn't take the time to find out.

**Michael Rumman**

*Director*

*Central Management Services*

### Write us

Your comments are welcome. Please keep them brief (250 words). We reserve the right to excerpt them.

Letters to the Editor

*Illinois Issues*

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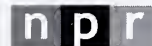
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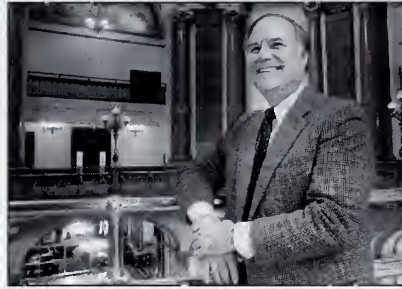
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Charles N. Wheeler III



## The governor's budget plan counts on illusion and wishful thinking

by Charles N. Wheeler III

In his 1817 autobiography, British poet Samuel Coleridge wrote of a "willing suspension of disbelief" that enables a reader to become caught up in a work of fiction.

Gov. Rod Blagojevich must have been hoping for a similar state of mind among legislators and other Illinois citizens last month when he presented his proposed budget for the fiscal year that starts July 1.

The cornerstone of his financial plan — a purported \$800 million in savings next year from cutting future pension benefits — is as illusory as Coleridge's Ancient Mariner, while his scheme to boost school funding with dollars skimmed from other accounts appears so much wishful thinking.

Indeed, some Republicans pronounced the \$53 billion request near dead on arrival, while many Democrats would only term it a good starting point.

And Blagojevich's key legislative ally in last year's overtime budget struggle, Senate President Emil Jones, took umbrage at the governor's cavalier dismissal of any effort to revamp the state's system of school finance.

"I don't appreciate him taking a shot at reforming education," said Jones, for whom the issue is a top priority.

For Blagojevich, though, the main obstacle in crafting the budget was closing an estimated \$1 billion-plus gap between resources and commitments — including a legal requirement to boost

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funding by some \$600 million for pension systems covering state workers, university employees, suburban and downstate teachers, judges and legislators — without increasing income or sales tax rates.

The pension increase is mandated under a 1995 law calling for higher annual contributions to put the systems on a sound financial footing by 2045. Now, the systems' assets are some \$35 billion less than the benefits accrued by current and retired workers.

Besides money from the state, the systems are funded with contributions from employees and by interest earned from investing those dollars. In theory, each year the state should set aside enough money so that, combined with employee contributions and expected interest, there will be enough in the kitty later on to cover the cost of benefits earned that year. In practice, the state rarely has met that burden, while

legislators and governors regularly have sweetened benefits. As a result, Illinois now has the largest unfunded liability of any state and a system Blagojevich contends is no longer affordable.

The governor's proposed solution calls for cutting benefit costs by such moves as tying automatic increases to the inflation rate, rather than a flat 3 percent a year; increasing the minimum age workers can retire with full benefits; restricting more generous benefit provisions to police only, not highway workers, prison guards and others in jobs deemed unusually hazardous; and requiring school districts to fund increased benefits due to end-of-career pay raises.

In all, Blagojevich said the changes would save the state some \$55 billion by 2045. But the Illinois Constitution bars the state from reneging on its pension commitments to current and retired workers. Thus, the governor's plan would cover only employees hired after its enactment.

Decrying a two-tier benefit system, public employee unions promised to fight the plan tooth-and-nail. Still, whether the state currently is too generous is a legitimate topic for debate.

What should be patently clear, however, is that whatever changes are adopted in future benefits, the savings in fiscal year 2006 will be miniscule at best, and nowhere near the almost \$800 million the governor claims — roughly

30 percent of the amount the state is required to pay next year to cover benefits already earned — and constitutionally untouchable — by the roughly 650,000 folks now covered by the five systems.

In fact, the governor's main budget document estimates that the systems' aggregate unfunded liability will increase by 6 percent — more than \$2 billion — under the proposal. But trying to take credit today for savings that might occur decades in the future allows the governor to pretend the dollars are there to meet other demands.

While not as egregious a scam, the governor's plan for boosting school funding is also suspect, relying as it does on money siphoned off a host of special funds. Only "surplus" cash would be drained, the governor argues, to bankroll a school endowment pot out of which \$140 million would go to local schools in 2006.

But some of the target funds have excess cash only because the fees that sustain them were raised two years ago beyond the amount needed to cover related regulatory programs, a practice

***But as several lawmakers observed, the governor's plan is the starting point.***

***In coming months, Illinoisans will learn just how far the "willing suspension of disbelief" can carry it.***

that a Cook County circuit judge has ruled unconstitutional. Should the Illinois Supreme Court agree, much of any anticipated windfall could well evaporate.

Moreover, should the scheme withstand court scrutiny, the \$140 million falls far short of what's needed to boost minimum per-pupil spending guarantees to the level experts recommend. The sum — not even a third of the increase in income tax collections the administration is forecasting — also is far below the 51

percent of new revenue Blagojevich said in 2002 that he wanted to give schools.

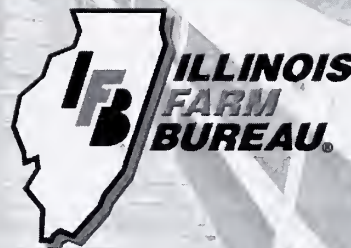
Though less problematic, some of the governor's other proposals also may find the going difficult. Jones says he opposes the 75-cent-per-pack increase in cigarette taxes Blagojevich wants to underwrite borrowing for a host of construction projects, although other legislators were pleased to see the governor finally agreeing to propose a revenue source — any revenue source — to cover bond costs.

Prospects hardly seem brighter for the sales tax on canned computer software Blagojevich is pushing to bring extra dollars to the CTA and other mass transit operations, a retreat of a proposal that got nowhere last year.

But as several lawmakers observed, the governor's plan is the starting point. In coming months, Illinoisans will learn just how far the "willing suspension of disbelief" can carry it. □

*Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois at Springfield.*

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